

Sanders, et al. v. Wyeth, et al.

Deposition of
Senatra Irby

April 12, 2004

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

In Re: DIET DRUGS
(PHENTERMINE/FENFLURAMINE/
DEXFENFLURAMINE)
PRODUCTS LIABILITY LITIGATION MDL NO. 1203

MARY SANDERS, et al. PLAINTIFFS
VS. CIVIL ACTION NO. 03-20121
WYETH, INC., et al. DEFENDANTS

DEPOSITION OF SENATRA IRBY McCURDY
APPEARANCES NOTED HEREIN

Taken at the instance of the defendants at the offices of Page, Kruger & Holland, Jackson, Mississippi, on April 12, 2004, beginning at 10:36 a.m.

REPORTED BY: Carol Winstead Gray
Mississippi CSR No. 1326

Bond & Associates
Freelance Court Reporters
Jackson, Mississippi
601-936-4466



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<p>APPEARANCES</p> <p>For the plaintiff: Mr. George Gates</p> <p>For the defendant Wyeth: Mr. Collin Williams</p> <p>For the defendant SmithKlineBeacham Ms. Lynn Ladner</p> <p>For the defendants Gold Line and Rugby: Ms. Emilie Whitehead</p> <p>For the defendant Gate Pharmaceutical: Mr. Ken Mansfield</p> <p>Also present: Denny Gray, Legal Video Specialist</p> <hr/> <p>*****</p> <p>TABLE OF CONTENTS</p> <table> <tr><td>Exhibit 1 - Plaintiff's Fact Sheet</td><td>3</td></tr> <tr><td>Exhibit 2</td><td>3</td></tr> <tr><td>Exhibit 3</td><td>3</td></tr> <tr><td>Exhibit 4</td><td>3</td></tr> <tr><td>Examination by Mr. Williams</td><td>4</td></tr> <tr><td>Examination by Ms. Whitehead</td><td>7</td></tr> <tr><td>Examination by Mr. Mansfield</td><td>43</td></tr> <tr><td>Examination by Ms. Ladner</td><td>60</td></tr> </table>	Exhibit 1 - Plaintiff's Fact Sheet	3	Exhibit 2	3	Exhibit 3	3	Exhibit 4	3	Examination by Mr. Williams	4	Examination by Ms. Whitehead	7	Examination by Mr. Mansfield	43	Examination by Ms. Ladner	60	<p>Page 2</p> <p>1 [Oath administered.]</p> <p>2 MR. WILLIAMS: This deposition is being taken</p> <p>3 pursuant to the Federal Rules of Civil Procedure and</p> <p>4 Pretrial Order 21 in this matter.</p> <p>5 SENATRA IRBY McCURDY,</p> <p>6 first being sworn, was examined and testified as follows:</p> <p>7 EXAMINATION BY MR. WILLIAMS:</p> <p>8 Q. My name is Collin Williams. I'm with the law</p> <p>9 firm Butler Snow O'Mara Stevens & Cannada. Ms. Irby, we</p> <p>10 met very briefly off the record. I represent Wyeth in</p> <p>11 this matter, formerly known as American Home Products.</p> <p>12 They were the manufacturer of some of the diet drugs.</p> <p>13 Have you ever taken a deposition before?</p> <p>14 A. No.</p> <p>15 Q. Okay. I'm just going to go over a couple of</p> <p>16 the ground rules. If you could answer verbally, a yes or</p> <p>17 a no, or answer the question fully. No nods or shakes of</p> <p>18 the head, that type of thing. Ms. Gray can't take those</p> <p>19 down.</p> <p>20 If you could wait till I ask the question fully</p> <p>21 before you answer, I'll wait till you've answered fully</p> <p>22 before I ask my next question. That way we don't walk on</p> <p>23 each other.</p> <p>24 If you need to take a break, that's fine. You</p> <p>25 just need to ask to take a break and we can take a break.</p>
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<p>1 [Exhibits 1, 2, 3 and 4 marked.]</p> <p>2 VIDEOGRAPHER: On record. Time is 10:36.</p> <p>3 This is the video deposition of Senatra Irby</p> <p>4 taken in the suit styled In Re Diet Drugs, Phentermine,</p> <p>5 Fenfluramine, Dexfenfluramine, Products Liability</p> <p>6 Litigation, MDL No. 1203. Mary Sanders, et al., versus</p> <p>7 Wyeth, et al., being cause number 03-20121 in the United</p> <p>8 States District Court for the Eastern District of</p> <p>9 Pennsylvania.</p> <p>10 We are at Page, Kruger & Holland, Jackson,</p> <p>11 Mississippi. Today's date is 12 April 2004. The time is</p> <p>12 10:36. The court reporter is Carol Gray, associated with</p> <p>13 Bond & Associates. I am Denny Gray, legal video</p> <p>14 specialist with DepoVideo of Mississippi.</p> <p>15 Will the attorneys please introduce themselves</p> <p>16 on audio.</p> <p>17 MR. GATES: George Gates for the plaintiff.</p> <p>18 MR. WILLIAMS: Collin Williams, Butler Snow,</p> <p>19 for Wyeth/American Home Products.</p> <p>20 MS. LADNER: Lynn Ladner, SmithKlineBeacham.</p> <p>21 MR. MANSFIELD: Ken Mansfield for Gate</p> <p>22 Pharmaceutical.</p> <p>23 MS. WHITEHEAD: Emilie Whitehead for Gold Line</p> <p>24 Laboratories and Rugby Laboratories.</p> <p>25 VIDEOGRAPHER: Swear the witness, please.</p>	<p>Page 3</p> <p>1 This isn't marathon.</p> <p>2 Objections. Your attorney may object to</p> <p>3 something I ask. If he objects, that doesn't mean that</p> <p>4 you can't go ahead and answer -- I'm sorry -- that</p> <p>5 doesn't mean that you can't go ahead and answer the</p> <p>6 question unless he instructs you to not answer for some</p> <p>7 reason.</p> <p>8 Is there any reason that you can't give</p> <p>9 truthful testimony here today?</p> <p>10 A. Excuse me?</p> <p>11 Q. I'm sorry. I move kind of quick.</p> <p>12 A. Okay.</p> <p>13 Q. Is there any reason that you can't give</p> <p>14 truthful testimony here today?</p> <p>15 A. I can give truthful testimony.</p> <p>16 Q. Okay. If you could speak up too.</p> <p>17 A. Okay.</p> <p>18 Q. You're not on any medications or alcohol at</p> <p>19 this time.</p> <p>20 A. No, I'm not.</p> <p>21 Q. Okay. Ms. Irby, I just have a couple of</p> <p>22 questions to start out here. I've looked at your</p> <p>23 pharmacy records, and they indicate that you took</p> <p>24 phentermine. Is that correct?</p> <p>25 A. That's correct.</p>																

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<p>1 Q. Okay. Did you take any other diet drug? 2 A. No. 3 Q. Not the -- just phentermine? 4 A. Just phentermine. 5 Q. Okay. 6 MR. WILLIAMS: At this point -- and I know we 7 have the attorneys for SmithKline and Gold Line and Gate 8 on the -- on the phone here. Wyeth did not manufacture 9 phentermine. Therefore, at this point we'd seek to be 10 dismissed from this -- this suit. 11 MR. GATES: Absent any pharmacy records that 12 show up at a later time indicating that she took anything 13 made by Wyeth, we'll agree to that. 14 MR. WILLIAMS: Okay. 15 MR. GATES: On the phone, who's going to take 16 over now? 17 MR. WILLIAMS: I know this isn't what you guys 18 were expecting. 19 MS. LADNER: Actually we had discussed this. 20 Do you want to take a break, Emilie and Ken, or do y'all 21 want to proceed? 22 MR. MANSFIELD: Emilie, what do you want to do? 23 MS. WHITEHEAD: I'll proceed and ask -- we're 24 off the record? 25 MR. WILLIAMS: We're still on.</p>	<p style="text-align: right;">Page 6</p> <p>1 A. Yes. 2 Q. Okay. And to whom are you married? 3 A. Bob McCurdy. 4 Q. When did that marriage take place? 5 A. February of last year. 6 Q. February of 2003. 7 A. Yes. 8 Q. Okay. And had you been married previously? 9 A. Yes. 10 Q. To whom have you previously been married? 11 A. Efrem, E-f-r-e-m, Irby. 12 Q. And when were you married to Mr. Irby? 13 A. '80 -- '82. 14 Q. Until? 15 A. '89. 16 Q. And how did that marriage end? 17 A. Just a normal divorce. 18 Q. Okay. I didn't know if you were widowed or 19 divorced. 20 A. Divorced. 21 Q. Okay. And do you have any children? 22 A. Yes, I do. 23 Q. How many children do you have? 24 A. Two. 25 Q. And what are their names?</p>
<p>1 MR. GATES: We can go off. You want to go off? 2 MS. WHITEHEAD: Yeah. 3 MR. GATES: Can we go off the record, please? 4 VIDEOGRAPHER: Off record. Time is 10:40. 5 [Off record.] 6 VIDEOGRAPHER: Back on record. Time is 10:42. 7 EXAMINATION BY MS. WHITEHEAD: 8 Q. Ms. Irby, my name is Emilie Whitehead. I 9 represent several of the defendants in this litigation, 10 and I'm going to ask you some questions. I'm hopeful 11 that you can hear me and understand me. If you can't, 12 please let me know. 13 If I ask you a question that you don't 14 understand, let me know. It probably means that I've 15 asked a not very clearly worded question. 16 Can you give me your full name for the record, 17 please? 18 A. Senatra Irby McCurdy. 19 Q. Spell your last name, please. 20 A. M-c-C-u-r-d-y. 21 Q. And I noticed from the fact sheet that we have 22 that's been marked as an exhibit to the deposition that 23 you were previously known as Senatra Irby. 24 A. Yes. 25 Q. Have you recently married?</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Cassandra Irby and Sierra Irby. 2 Q. Is Sierra a boy or a girl? 3 A. Female. 4 Q. Okay. And what -- what is Cassandra's age? 5 A. 19. 6 Q. And is she living with you? 7 A. No, she's not. 8 Q. Okay. Where is she currently living? 9 A. Killeen, Texas. 10 Q. Is she dependent on you? 11 A. No, she's not. 12 Q. Okay. And what about Sierra? 13 A. She's 15. 14 Q. And does she live with you? 15 A. No, she doesn't. 16 Q. Where does she live? 17 A. Aberdeen, Mississippi. 18 Q. With whom? 19 A. My parents. 20 Q. Okay. And is she dependent on you financially? 21 A. Yes. 22 Q. Okay. And what is your current address? 23 A. 1905 Nimitz, N-i-m-i-t-z, Killeen, Texas 76543. 24 Q. And how long have you lived there? 25 A. Probably 11 years.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. And what's your connection to Aberdeen, 2 Mississippi? Did you grow up there? 3 A. Yes. 4 Q. And you said that your parents are still in 5 Aberdeen? 6 A. That's correct. 7 Q. And what are their names? 8 A. Smith Rowe and Annie Rowe. 9 THE REPORTER: R-o-e? 10 A. R-o-w-e. 11 MS. WHITEHEAD: 12 Q. And is Rowe your maiden name? 13 A. Yes, it is. 14 Q. And your parents are both still living, I take 15 it. 16 A. Yes. 17 Q. And are they in good health? 18 A. Yes. 19 Q. Either of them have any health problems? 20 A. No more than, like, high blood pressure, 21 allergies. 22 Q. Which of the -- of your parents has high blood 23 pressure? 24 A. My father. 25 Q. Any diabetes, heart problems, anything of that</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. 2 A. They just gave me medicine and sent me home. 3 Q. Do you know what the medicine was that you were 4 giving? 5 A. I can't remember. 6 Q. How long were you on it? 7 A. Probably for 30 days. 8 Q. Do you know the doctor that prescribed it? 9 A. Not offhand, no. Not right now. 10 Q. Do you know where you had the prescription 11 filled? 12 A. Should have been filled at Wal-Mart. 13 Q. And that's in Killeen, Texas? 14 A. Yes. 15 Q. After you completed the medicine did you have 16 any other problems? 17 A. No, not really, not -- not with my -- not with 18 the chest pains that I had. 19 Q. And as I understand it you have taken 20 phentermine. Is that correct? 21 A. That's true. 22 Q. Okay. Do you know how many times you have 23 taken phentermine? 24 A. Oh, for a while. I can't give you an exact 25 amount or months, but it -- I've taken it for a while.</p>
<p style="text-align: right;">Page 11</p> <p>1 sort? 2 A. No. 3 Q. Has your father ever had a heart attack or 4 stroke? 5 A. No. 6 Q. Okay. How about your mother? Ever had a heart 7 attack or stroke? 8 A. No. 9 Q. Okay. Have you ever had any heart or breathing 10 problems? 11 A. Yes. I can't remember when. I was rushed to 12 emergency room because I had chest pains, and I can't 13 remember -- they were saying something about something 14 with a valve or something. I can't remember. It was at 15 Metroplex Hospital in Killeen, Texas. 16 Q. Metroplex? 17 A. Yes, Metroplex. 18 Q. Do you know what year? 19 A. Probably it would be 2001. 20 Q. Were you admitted to the hospital? 21 A. They -- no, I wasn't admitted. They rushed me 22 to the emergency room and they did an EKG. 23 Q. Did they find anything as a result of the EKG? 24 A. Yeah. They gave me medicine, but they said 25 something about a valve or something.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Can you tell me approximately when you first 2 took a phentermine? 3 A. Had to be in the '90s. Maybe '90 -- I would 4 say '90, '91. I can't remember. 5 Q. Do you know who the doctor was in 1991 that 6 prescribed the phentermine? 7 A. Oh, man. No, I can't remember his name. 8 Q. Do you remember where he was located? 9 A. Yeah. He's located off of Lake Road in 10 Killeen, but I can't remember his name right now. It's 11 been a while. 12 Q. Would it have been a Dr. Whitten? 13 A. Yes. That's it. Correct. 14 Q. Did you also see a Dr. Whitaker? 15 A. A Dr. Whitaker. That might have been at the 16 Metroplex Hospital. 17 Q. Okay. But you think Dr. Whitten is the 18 doctor -- 19 A. Yes. That is the doctor. 20 Q. Okay. And you think he first prescribed 21 phentermine for you in 1991? 22 A. I think so. 23 Q. Okay. And you had no problems as a result of 24 having taken the phentermine between 1991 and 2001? 25 A. Not that I noticed. I -- no.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. When Dr. Whitten prescribed the 2 phentermine, do you know what indications he gave you for 3 taking it? Any directions or instructions?</p> <p>4 A. Just the regular instruction that was on the 5 bottle. I think it's like -- it was either one time a 6 day or two times a day. That's been a while. I can't 7 remember.</p> <p>8 Q. Do you remember if he discussed any side 9 effects?</p> <p>10 A. I guess it would just be the -- I don't -- I 11 don't -- I guess it's just the normal routine questions. 12 I don't think he said anything about side effects. He 13 just told me that I needed to watch what I was eating and 14 increase my exercise.</p> <p>15 Q. And do you know how much you weighed at the 16 time?</p> <p>17 A. I think I weighed -- it was in the 190. It was 18 close to like 195 or 200, approximately.</p> <p>19 Q. Was that your high weight -- your highest 20 weight as an adult?</p> <p>21 A. 200? Yes.</p> <p>22 Q. Okay. Do you remember anything about 23 appearance of the phentermine that you took?</p> <p>24 A. No.</p> <p>25 Q. Did it have a brand name or anything of that</p>	<p style="text-align: right;">Page 16</p> <p>1 A. I think it's a general -- it's a combination of 2 general practice and for individuals who wants to lose 3 weight also.</p> <p>4 Q. Okay. Did he have a specialty for people who 5 wanted to lose weight or was he a family practitioner who 6 did weight loss?</p> <p>7 A. He -- like I said, he was a general doctor, and 8 if you -- he had a weight loss program at his office.</p> <p>9 Q. Okay. And how did you come to see him? Did 10 somebody refer you to him? Did you see an advertisement? 11 What led you to his door?</p> <p>12 A. Someone referred me to him.</p> <p>13 Q. And do you know who that was?</p> <p>14 A. It was someone that I worked with years ago. I 15 don't remember who.</p> <p>16 Q. Tell me -- when you first went to see him 17 around 1991, can you tell me what you remember about that 18 office visit?</p> <p>19 A. Just a normal office visit. He just weighed me 20 in and just told me what I had to do and -- and just 21 increase my exercise.</p> <p>22 Q. And he gave you the prescription?</p> <p>23 A. And he gave me the prescription and told me the 24 direction -- just to follow the direction on the 25 prescription.</p>
<p style="text-align: right;">Page 15</p> <p>1 sort?</p> <p>2 A. I can't remember. I think -- the only thing I 3 can remember, I think the pills was blue and yellow. I 4 don't remember anything else about it.</p> <p>5 Q. Do you mean that one time the pills were blue 6 and one time the pills were yellow, or do you mean that 7 the blue -- pill itself had half blue and half yellow or 8 a --</p> <p>9 A. Yeah.</p> <p>10 Q. -- combination like that?</p> <p>11 A. It was combination of blue and yellow.</p> <p>12 Q. Do you know what the dosage was?</p> <p>13 A. I can't remember. Like I said before, I think 14 it was one or two a day. I can't remember. That's been 15 a while.</p> <p>16 Q. Okay. And do you know if it was a generic or a 17 brand name?</p> <p>18 A. It was generic.</p> <p>19 Q. And can you tell me why you went to see Dr. 20 Whitten?</p> <p>21 A. Because I was overweight.</p> <p>22 Q. Since I don't live in Texas, I'm not familiar 23 with his practice. Is his practice primarily for people 24 who are trying to lose weight or does he have a general 25 practice?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. And did he -- did he give you any 2 refills with that first prescription or did you have to 3 come back and see him?</p> <p>4 A. You have to go back once a month because he 5 weighs you in every month and takes your blood pressure 6 and weigh you in, and he writes you a prescription for 7 that month.</p> <p>8 Q. Okay. So the prescriptions were given to you 9 on a monthly basis?</p> <p>10 A. Yes.</p> <p>11 Q. And then at some point did you determine that 12 you had lost enough weight and you stopped going?</p> <p>13 A. I think I stopped for a while. Yes, I did.</p> <p>14 Q. Okay, because I've got a pharmacy record that 15 shows that you had phentermine prescribed in 1998 but it 16 doesn't show anything any earlier than that.</p> <p>17 A. Okay.</p> <p>18 Q. So do you think you first had it prescribed in 19 1998 or first had it prescribed in 1991?</p> <p>20 A. No, it had to be 1998 because he was the only 21 doctor --</p> <p>22 Q. Okay.</p> <p>23 A. -- that I went to for diet pills.</p> <p>24 Q. Okay. So you would not have had anything prior 25 to 1998.</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. No. 2 Q. Okay. And the record that I have only shows 3 you having received two prescriptions. I can't read the 4 months on it, but it shows one as 30 pills, and then the 5 next entry right behind it is another prescription for 30 6 pills. 7 A. Okay. 8 Q. Does a two-month -- staying on it for two 9 months sound right? 10 A. Probably -- yes. 11 Q. Okay. 12 A. If it's Wal-Mart. 13 Q. This is a Wal-Mart in Killeen, Texas. 14 A. Yes. 15 Q. So you think you would have been on the 16 phentermine for two months. 17 A. Yes. 18 Q. Do you remember how much weight you lost? 19 A. I think probably about -- about 20, 25 pounds. 20 Q. Can you tell me what your lowest weight has 21 been as an adult? 22 A. My lowest weight? 130. 23 Q. And when was that? 24 A. 19 -- 1980. 25 Q. And has your weight gradually gone up since</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. Have you had any major medical surgeries 2 as an adult? 3 A. No. 4 Q. Have you had a hysterectomy or anything like 5 that? 6 A. No. 7 Q. Okay. Are you currently on any medications? 8 A. Yes. I'm taking medication for my bladder. I 9 have a uncontrollable bladder. 10 Q. Do you know what the name of that medication 11 is? 12 A. No. 13 Q. Okay. Who prescribed that medication? 14 A. Dr. Spencer. 15 Q. Okay. And where is Dr. Spencer located? 16 A. In Killeen, Texas, on Jasper Road. 17 Q. How long have you been seeing him? 18 A. That's my family doctor, so I've been seeing 19 him ever since I moved to Killeen, so it would probably 20 be in -- I guess in the '80s. 21 Q. Did Dr. Spencer treat you after you had this 22 emergency room visit? 23 A. No. Well, I -- he wasn't there, but I think 24 some other doctor treated me and said everything was 25 fine.</p>
<p style="text-align: right;">Page 19</p> <p>1 then or have you had fluctuations in your weight? 2 A. It's went up since then. 3 Q. And is it your testimony that you have not been 4 back to see Dr. Whitten since 1998? 5 A. No, I haven't. 6 Q. Have you taken any other diet drugs since 1998? 7 A. Other drugs? Maybe over-the-counter stuff, but 8 I can't remember. 9 Q. Have you ever taken anything with ephedra in 10 it? 11 A. I don't recall. 12 Q. Do you know if you've ever taken Metabolift or 13 Metabolife? 14 A. No. 15 Q. Okay. Have you ever taken Xenical or Meridia 16 or anything of that nature? 17 A. Never heard of it. No, I don't think so. 18 Q. Okay. And Dr. Whitten would be the only doctor 19 who would have prescribed the diet drugs for you. 20 A. Yes. 21 Q. Okay. Can you give me a little information 22 about your health background? Have you typically been 23 healthy as an adult or have you had some major medical 24 problems? 25 A. I've always been healthy.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. 2 A. I think his name was Dr. Gee. 3 Q. G-e-e? 4 A. Yes. 5 Q. And he was in Dr. Spencer's clinic or he was at 6 the emergency room? 7 A. No, he's a doctor at that clinic also. 8 Q. Okay. 9 A. Dr. Spencer's. 10 Q. Do you know the name of Dr. Spencer's clinic? 11 A. I think it's Family Practice. 12 Q. And would it be your testimony that Dr. Spencer 13 has probably the most complete medical history, medical 14 records of you since your adulthood or at least since the 15 1980s? 16 A. Yes. 17 Q. Okay. Are you a smoker? 18 A. No. 19 Q. Have you ever been a smoker? 20 A. No. 21 Q. Do you use alcohol? 22 A. No. 23 Q. Have you ever used alcohol? 24 A. No. 25 Q. Okay. Do you currently have an exercise</p>

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<p style="text-align: right;">Page 22</p> <p>1 program that you engage in?</p> <p>2 A. Well, I try to walk, but I'm having problems</p> <p>3 with that. It's like I'm getting very tired quickly. In</p> <p>4 the past I could walk a while, but now it's like I have</p> <p>5 problems with it.</p> <p>6 Q. Other than fatigue, what kinds of problems do</p> <p>7 you have?</p> <p>8 A. It's just that I'm getting tired quick. I have</p> <p>9 to stop and take a break and start again. And before I</p> <p>10 could walk around just a regular track, but now I have to</p> <p>11 stop and take a break.</p> <p>12 Q. And what's your current weight, Ms. Irby?</p> <p>13 A. I think right now I weigh, like, 191.</p> <p>14 Q. Okay. When you were able to walk without</p> <p>15 stopping, how far were you able to walk?</p> <p>16 A. I could walk around the track twice, and I</p> <p>17 think -- I think the track is, like, a mile long or</p> <p>18 something like that.</p> <p>19 Q. Where is this track?</p> <p>20 A. It's located on Fort Hood.</p> <p>21 Q. Is that an Army base?</p> <p>22 A. Yes, it is.</p> <p>23 Q. And are you associated in some way with the</p> <p>24 Army base?</p> <p>25 A. Yes, I am, but you don't really have to. You</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Okay. And have you been employed in any</p> <p>2 capacity outside the home?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Are you currently employed?</p> <p>5 A. Yes I am.</p> <p>6 Q. And who is your employer?</p> <p>7 A. KISD. The Killeen Independent School District.</p> <p>8 Q. And in what capacity are you currently</p> <p>9 employed?</p> <p>10 A. Right now?</p> <p>11 Q. Yes. What -- what's your job?</p> <p>12 A. I'm an audio-visual tech.</p> <p>13 Q. And how long have you had that position?</p> <p>14 A. January 2001.</p> <p>15 Q. Prior to that what did you do?</p> <p>16 A. I was a correctional officer for the juvenile</p> <p>17 center.</p> <p>18 Q. In Killeen?</p> <p>19 A. In Killeen.</p> <p>20 Q. And what years were you employed?</p> <p>21 A. I think that was 2000. I don't remember what</p> <p>22 month, 2000.</p> <p>23 Q. Just for one year?</p> <p>24 A. One year.</p> <p>25 Q. Okay. And prior to 2000 were you employed?</p>
<p style="text-align: right;">Page 23</p> <p>1 can just go on post and walk on the track.</p> <p>2 Q. Okay. Are you in the military or is your</p> <p>3 husband in the military?</p> <p>4 A. No, I'm not in the military, and my husband is</p> <p>5 retired from the military.</p> <p>6 Q. Okay. Have you ever been in the military?</p> <p>7 A. No.</p> <p>8 Q. Was Mr. Irby in the military when you were</p> <p>9 married to him?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And have you ever been employed as a</p> <p>12 civil servant by the military?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And when were you employed in that</p> <p>15 capacity?</p> <p>16 A. I think in '82 in Garstedt, Germany, as a</p> <p>17 postal clerk.</p> <p>18 Q. And how long were you employed? '82 to what?</p> <p>19 A. I think it was only a year --</p> <p>20 Q. Okay.</p> <p>21 A. -- and we moved back to the states.</p> <p>22 Q. And then your husband was transferred back to</p> <p>23 the states. And have you been employed as a civil</p> <p>24 servant since that time?</p> <p>25 A. No. That was only one year in Germany.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Yes. I was employed for Lockheed Support</p> <p>2 System.</p> <p>3 Q. In what capacity?</p> <p>4 A. I was an aircraft mechanic.</p> <p>5 Q. Can you tell me what years you would have been</p> <p>6 employed by Lockheed Support Systems?</p> <p>7 A. It had to be '80 -- '86. I'll say between '86</p> <p>8 and '87.</p> <p>9 Q. And between 1987 and 2000 you were not employed</p> <p>10 outside the home? Is that correct?</p> <p>11 A. I think I worked for them two years. I</p> <p>12 probably was off work for about six months, and then</p> <p>13 that's when I started with the juvenile center.</p> <p>14 Q. Okay. I have, according to your testimony,</p> <p>15 that you were employed from 1986 to 1987 and then</p> <p>16 employed as a correctional officer in 2000. So that's</p> <p>17 about a 13-year gap.</p> <p>18 A. Let me see. I just know I worked for them 10</p> <p>19 years. After that the company -- it was a contract and</p> <p>20 the contract was up, and I think I had unemployment in</p> <p>21 between, and then after my unemployment was up, and I</p> <p>22 think I went to the juvenile center.</p> <p>23 Q. So you were employed by Lockheed for 10 years?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And during the time that you were</p>

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<p style="text-align: right;">Page 26</p> <p>1 employed for Lockheed, did you ever have any worker's 2 compensation claims? 3 A. No, I don't think so. 4 Q. Did you ever any absences long-term, say a 5 month or more, related to a medical problem? 6 A. No. 7 Q. How about at the time of -- you served as a 8 correctional officer? Any long-term absences from that 9 employment? 10 A. Yeah, I did. I had some problems. 11 Q. Tell me about those. 12 A. What did I have? I think I had, like, migraine 13 headaches, and I think that's -- that's what I had. I 14 had really bad migraine headaches. 15 Q. And did you apply for worker's compensation 16 during that time out? 17 A. No. I think I just took the time off. 18 Q. Okay. And did Dr. Spencer treat you for those 19 migraines? 20 A. Yes, I think so. 21 Q. Do you know what medication he gave you? 22 A. I don't remember. 23 Q. Are you still on those medications? 24 A. No, I'm not. 25 Q. Are you still suffering from any migraines?</p>	<p style="text-align: right;">Page 28</p> <p>1 to 1998 or after 1998? 2 A. I don't remember. 3 Q. Can you tell me what sort of mental health 4 issues he was treating you for? 5 A. Depression. 6 Q. Was the depression associated with any 7 significant event in your life? 8 A. I was just depressed. I mean, it was, like, 9 overweight -- I don't know. I just -- I was just 10 depressed. He would just treat me for depression. 11 Q. Okay. Was it related to marital problems, 12 relationship problems, children problems or anything like 13 that? 14 A. It was -- I don't think it was marital problems 15 because at the time I wasn't married. It would just -- 16 it would just -- I was just depressed. 17 Q. Okay. And Dr. Ratman: Where is he located? 18 A. Killeen, Texas. 19 Q. Do you know when you last saw him? 20 A. I don't recall. 21 Q. Okay. Have you seen him this past year? 22 A. No. 23 Q. Have you seen him within the past five years? 24 A. I don't recall. I don't remember the date. 25 Q. Okay. Is there any significant point in your</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes, I still have migraines, but it's -- comes 2 and goes. It's not like before. And I think he -- he 3 told me to go ahead and stay with the Motrins. 4 Q. The over-the-counter Motrin? 5 A. No. He prescribed Motrins for me. 6 Q. Okay. So a prescription-strength Motrin? 7 A. Yes. 8 Q. Other than the migraines and the chest -- 9 breathing problems that you talked about, have you had 10 any other medical problems in the last, say, eight years? 11 A. Bladder infection -- bladder control, I should 12 say. 13 Q. Just the bladder -- so the bladder control, the 14 migraines and that incident where you had to go to the 15 emergency room would be the only three medical problems 16 that you can discuss from the last, say, eight years? 17 A. Yes. 18 Q. Okay. Have you ever been treated by a 19 counselor or a psychologist or psychologist -- 20 psychiatrist for any mental health issues? 21 A. Yes, I have. 22 Q. Can you tell me when that was? 23 A. I don't remember. I just know his name was Dr. 24 Ratman. I think it's R-a-t-m-a-n. 25 Q. Do you remember if that would have been prior</p>	<p style="text-align: right;">Page 29</p> <p>1 life that you can associate with your treatment by Dr. 2 Ratman? 3 A. Right now? 4 Q. Uh-huh. 5 A. No. 6 Q. If you were thinking back about it, is there 7 anything you can relate it to in your life? 8 A. Not right -- I can't -- no. 9 Q. Do you remember how old your children were at 10 the time? 11 A. No. 12 Q. Do you know if you were seeing Mr. McCurdy at 13 the time or were married to Mr. McCurdy at the time? 14 A. No, I wasn't married to Mr. McCurdy at that 15 time. 16 Q. Do you know if you had met him at that time? 17 A. Oh, no. 18 Q. Okay. So it would have been before you met 19 him. 20 A. Oh, yes. 21 Q. Okay. 22 A. Yes. This was way before I met him. 23 Q. Okay. And it's my understanding that you do 24 not have any significant health conditions like high 25 blood pressure or hypertension, high cholesterol,</p>

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<p>1 anything like that. 2 A. Not that I know. No, I don't think so. 3 Q. Okay. And other than the -- did they give you 4 an echocardiogram or an EKG when they admitted you to the 5 Metroplex ER? 6 A. I think -- I think it was an EKG. 7 Q. And is that the only time that you recall 8 having had an EKG? 9 A. Yes. 10 Q. Okay. How about an echocardiogram? Do you 11 remember having had an echocardiogram? 12 A. Yes. 13 Q. Okay. When was that? 14 A. I think that was two years ago. 15 Q. And is that related to this litigation? 16 A. Yes. 17 Q. And where did you have that performed? 18 A. I think in Columbus, Mississippi. 19 Q. Okay. And have you seen the results of that 20 echocardiogram? 21 A. Yes. 22 Q. Okay. And do you know who the doctor was that 23 diagnosed you with -- from the echocardiogram? 24 A. I don't recall his name. 25 Q. Okay. Was he there when you had the echo done?</p>	<p>Page 30</p> <p>1 A. No. 2 Q. Okay. Are you currently using or have you used 3 in the past any oral contraceptives? 4 A. I'm trying to see. No. 5 Q. Okay. Other than Dr. Whitten telling you you 6 needed to increase your exercise and decrease your food 7 intake, have you ever been on any other formal diet? 8 A. Yes, I have. The cabbage diet. 9 Q. Okay. 10 A. What other kind of diet? 11 Q. Have you ever gone to Weight Watchers or 12 NutriSystem or Jenny Craig? 13 A. No. 14 Q. Okay. And you think you may have purchased 15 something over the counter but you do not recall what? 16 A. I -- I think I have. It's like diet candy or 17 something like that. 18 Q. Okay. And have you ever been diagnosed or 19 treated for an eating disorder? 20 A. No. 21 Q. Okay. The medication that you got from Dr. 22 Whitten, the two different months, did the medication 23 look the same each time? 24 A. Yes, it did. 25 Q. Okay. Did you know anyone else who was going</p>
<p>1 A. I just know I had it done in Columbus. That's 2 been a while. I don't remember all the information. 3 Q. Okay. Do you remember if it was done by a 4 technician? 5 A. Yes. 6 Q. Okay. 7 A. I guess it was a technician. 8 Q. And do you remember whether you met with the 9 doctor after it was performed? 10 A. It's been a while. I don't remember. I just 11 remember having the treatment done. 12 Q. Okay. And did you get a report in the mail? 13 A. Yes, they did. They mailed me a report. 14 Q. Do you remember what that report said? 15 A. I -- no. I don't know how to read that report. 16 I -- 17 Q. Okay. Have you ever shown that report to Dr. 18 Spencer? 19 A. Yeah. I think I just showed it to him just as 20 my regular doctor. 21 Q. Do you remember what Dr. Spencer said about it? 22 A. No, I don't remember. That's been a while. 23 It's been a while. I can't remember. 24 Q. Did Dr. Spencer order any follow-up tests or 25 procedures be done?</p>	<p>Page 31</p> <p>1 to see him for diet medication? 2 A. No, not really. 3 Q. Do you remember how you paid for phentermine? 4 A. Probably cash. 5 Q. Okay. Would you -- would it have been covered 6 under an insurance plan that you would have had? 7 A. No. I paid cash. 8 Q. Okay. And do you recall any side effects that 9 you experienced while you were on the medication? 10 A. Not at the time. 11 Q. Okay. Do you remember any words or other 12 markings on the medication? 13 A. No. 14 Q. Do you remember if it was a pill or a capsule 15 or a tablet? 16 A. It was a -- like I said, a yellow and blue 17 capsule. 18 Q. Did any written materials come with the 19 packaging? 20 A. I don't recall. I think everything was on the 21 outside. 22 Q. Okay. 23 A. I don't recall. I don't remember. 24 Q. Okay. And when did you first think that you 25 may be having some symptoms related to your taking of the</p>

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<p style="text-align: right;">Page 34</p> <p>1 phentermine?</p> <p>2 A. My first was, I guess, uncontrollable bladder</p> <p>3 because I didn't have that before.</p> <p>4 Q. Okay. So you had not experienced the</p> <p>5 uncontrollable bladder problems prior to taking the</p> <p>6 phentermine.</p> <p>7 A. No.</p> <p>8 Q. And how quickly after taking the phentermine</p> <p>9 did you first experience those problems?</p> <p>10 A. Oh, I don't know.</p> <p>11 Q. Did Dr. Spencer or any other doctor tell you</p> <p>12 that the problems related to your bladder were the result</p> <p>13 of having taken the phentermine?</p> <p>14 A. No.</p> <p>15 Q. And what other symptoms do you relate to having</p> <p>16 taken the phentermine?</p> <p>17 A. Migraine headaches.</p> <p>18 Q. Okay. Did you have migraine headaches prior to</p> <p>19 taking phentermine?</p> <p>20 A. No.</p> <p>21 Q. Okay. And how quickly after you took the</p> <p>22 phentermine did you first begin to have problems with</p> <p>23 migraines?</p> <p>24 A. Oh, I -- I don't know. I just know that before</p> <p>25 I was very healthy, and it's just like I'm starting to</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I think I -- I think I may have. I think I</p> <p>2 might have a few, maybe one or two pills at the house.</p> <p>3 MS. WHITEHEAD: George, at this time, obviously</p> <p>4 I'm going to request that the plaintiff produce to you</p> <p>5 that medication --</p> <p>6 MR. GATES: Sure.</p> <p>7 MS. WHITEHEAD: -- for us to look at.</p> <p>8 MR. GATES: Yes.</p> <p>9 MS. WHITEHEAD:</p> <p>10 Q. Other than Dr. Spencer, Dr. Gee, have you seen</p> <p>11 any other doctors after -- and the doctor at the</p> <p>12 emergency room, any other doctors for any reason after</p> <p>13 your taking phentermine?</p> <p>14 A. No.</p> <p>15 Q. Did you take all of the phentermine except for</p> <p>16 the couple of pills you think you have left?</p> <p>17 A. Yeah. I think I only have maybe one or two.</p> <p>18 Q. Did you take it as prescribed?</p> <p>19 A. Yes.</p> <p>20 Q. When did you become aware that there was a</p> <p>21 problem or a controversy related to taking diet drugs?</p> <p>22 A. I think one time I was at the office for a</p> <p>23 visit and I think someone had mentioned it then.</p> <p>24 Q. At Dr. Spencer's office?</p> <p>25 A. No. At Dr. Whitten's office -- Whitney's</p>
<p style="text-align: right;">Page 35</p> <p>1 have a lot of problems.</p> <p>2 Q. And did Dr. Spencer relate your migraine</p> <p>3 problem to having taken the phentermine?</p> <p>4 A. No.</p> <p>5 Q. And I know you said you had to go to the</p> <p>6 emergency room one time and --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- discussed some sort of valve problem. Did</p> <p>9 any doctor there relate that problem to the phentermine?</p> <p>10 A. No.</p> <p>11 Q. Okay. So is it safe to say that no doctor has</p> <p>12 said that the problems you are experiencing are relating</p> <p>13 to your having taken the phentermine?</p> <p>14 A. Yes.</p> <p>15 Q. No doctor has told you that.</p> <p>16 A. No doctor has told me that.</p> <p>17 Q. And the doctor who read your echo report: Did</p> <p>18 he tell you that your problems related to phentermine?</p> <p>19 A. No.</p> <p>20 Q. Okay. Did you retain any of the bottles or</p> <p>21 packaging from the phentermine?</p> <p>22 A. Yes, I did.</p> <p>23 Q. And where are those?</p> <p>24 A. With my attorney.</p> <p>25 Q. And did you retain any of the medicine?</p>	<p style="text-align: right;">Page 37</p> <p>1 office.</p> <p>2 Q. Can you tell me what you recall about that</p> <p>3 conversation or what you overheard?</p> <p>4 A. They were just saying that it was causing</p> <p>5 health problems and -- and that was one of the reason</p> <p>6 that I -- I just stopped taking them. And matter of</p> <p>7 fact, I didn't -- I didn't even -- the doctor didn't even</p> <p>8 see me that day. I just left the doctor's office.</p> <p>9 Q. You left his office?</p> <p>10 A. Uh-huh. That's when I stopped taking it.</p> <p>11 Q. And do you remember if they were talking about</p> <p>12 a drug called Pondimin or a drug called Redux or a drug</p> <p>13 called phentermine?</p> <p>14 A. Only thing I know is just the drugs that I was</p> <p>15 taking, and they saying that they was having health</p> <p>16 problems with the drugs.</p> <p>17 Q. Was it referred to as fen-phen?</p> <p>18 A. Yeah. They said fen-phen.</p> <p>19 Q. Okay. And you understood that to mean the drug</p> <p>20 that you were taking?</p> <p>21 A. Yes.</p> <p>22 Q. And did anybody tell you that that was the same</p> <p>23 drug that you were taking?</p> <p>24 A. It was the same drugs that, I guess, he</p> <p>25 described to every one. I don't know.</p>

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<p>1 Q. Did you just assume that the -- when they said 2 fen-phen, that meant the drug that you were taking? 3 A. Yes, I did. 4 Q. Okay. So nobody said the phentermine is 5 causing these problems. 6 A. No. 7 Q. They said the word "fen-phen" -- 8 A. Yes. 9 Q. -- causes these problems. 10 A. Yes. 11 Q. Okay. Did you see anything on T.V. or any 12 magazines about it? 13 A. Not really. 14 Q. Okay. Did you do any research on your own 15 about it? 16 A. No. 17 Q. Okay. And what made you decide to become a 18 party to a lawsuit as a result of taking the phentermine? 19 A. Because, like I said, I overheard someone 20 talking about it in the doctor's office. 21 Q. Okay. Can you tell me how you found out about 22 an attorney in Mississippi? 23 A. Because my sister works for a law firm. 24 Q. What's your sister's name? 25 A. Ruby Rowe.</p>	<p>Page 38</p> <p>1 Q. In Columbus? 2 A. Columbus, Mississippi. 3 Q. Okay. And did Mr. Colom set you up with the -- 4 or his office set you up for the echo? 5 A. Yes. 6 Q. Okay. Have you received any information on 7 fen-phen or phentermine from any source? 8 A. No. 9 Q. Okay. Do you know any other plaintiffs in your 10 lawsuit? 11 A. No. 12 Q. Do you know any other people who have claims 13 for taking diet drugs? 14 A. For taking diet drugs? No. 15 Q. So other than you, you don't know anybody else 16 who's got a lawsuit that they've brought as a result of 17 having taken diet drugs. 18 A. No. 19 Q. Okay. Have you had any contact with anybody 20 from a company called Gold Line or Rugby? 21 A. No. 22 Q. Have you ever heard of Gold Line or Rugby 23 before? 24 A. No. 25 Q. Okay. So no one from Gold Line or Rugby would</p>
<p>1 Q. What was the first name? I'm sorry. 2 A. Ruby. R-u-b-y. 3 Q. Ruby Rowe. 4 A. Uh-huh. 5 Q. And who does she work for? 6 A. I can't remember the attorney. I think 7 Attorney Harris or something. I'm not -- I'm not for 8 sure. 9 Q. Where is he located? 10 A. I think he's located in Tupelo. 11 Q. And she told you about it? 12 A. Yes. 13 Q. And then did she send you a flier or a contact 14 name? 15 A. A contact name. 16 Q. And who was that? 17 A. My attorney. 18 Q. Do you know what your attorney's name is? 19 A. I don't know his full name. 20 MR. GATES: Just tell them what you know. 21 MS. WHITEHEAD: 22 Q. Is it Wil Colom? 23 A. Yes. 24 Q. Okay. 25 A. Wil. Okay. Yes.</p>	<p>Page 39</p> <p>1 have made any representations to you about the use of 2 your diet drugs. 3 A. No. 4 Q. Can you tell me what the highest level of 5 education is that you've achieved? 6 A. Two years of college. 7 Q. Where did you go? 8 A. Central Texas College in Killeen, Texas. 9 Q. Did you get an AA degree? 10 A. Yes, I did. 11 Q. And what's your AA degree in? 12 A. Early childhood. 13 Q. Have you ever had any medical or legal 14 training? 15 A. I don't really understand the question. 16 Q. Have you ever had any medical training? Have 17 you ever gone to school to become a nurse -- 18 A. No. 19 Q. -- or anything like that? 20 A. No. 21 Q. Ever had any legal training to become a 22 paralegal or a legal assistant -- 23 A. No. 24 Q. -- or an attorney? Did you understand my 25 question?</p>

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<p>1 A. I said no. 2 Q. I'm sorry. I didn't hear you. 3 I think at this time those are the only 4 questions I have, Ms. McCurdy. Thank you. 5 A. Thank you. 6 MS. LADNER: Ken, do you want to go next? 7 MR. MANSFIELD: I can. 8 MS. LADNER: That will be fine. I'll follow up 9 at the end. 10 MR. MANSFIELD: Okay. 11 MR. GATES: Ken, would you mind if we took a 12 short break real fast? 13 MR. MANSFIELD: Not a bit. 14 VIDEOGRAPHER: Off record. Time is -- 15 MR. MANSFIELD: Hey, George? 16 MR. GATES: Yes. 17 MR. MANSFIELD: In fact, during the break, if 18 you want to get her to look over her fact sheet. And has 19 it been made an exhibit? 20 MR. GATES: Not yet. 21 THE REPORTER: Yes, it has. 22 MR. GATES: Never mind. It has. 23 MR. MANSFIELD: If you'd just ask her to look 24 over that and let me know what exhibit number that is. 25 MR. GATES: All right.</p>	<p>Page 42</p> <p>1 Q. Okay. And that's pretty well the exact same 2 information you gave to Ms. Whitehead a little while ago 3 in your testimony. Correct? 4 A. Correct. 5 Q. And to the best of your recollection, those 6 are, in fact, the only diet drugs you've ever taken. 7 Correct? 8 A. Correct. 9 Q. Now, if you would -- well, let me ask you this: 10 My understanding from your earlier testimony is that the 11 only symptoms or problems that you yourself associate or 12 possibly associate with diet drug usage is the 13 uncontrollable bladder problem and migraine headaches 14 that you mentioned. Is that correct? 15 A. Yes, that's correct. And I also had pain in my 16 left -- left hand, but my doctor wasn't for sure whether 17 it was arthritis or what. 18 Q. Okay. What doctor is that? 19 A. Dr. Spencer. 20 Q. And what -- describe for me that pain that 21 you're talking about. 22 A. It's just a -- it's just a pain. It's just a 23 pain that -- it's a constant pain all the time. 24 Q. When did that begin? 25 A. A couple of years ago.</p>
<p>1 MR. MANSFIELD: All right. How long? 2 MR. GATES: If she's going to look over the 3 fact sheet, 10 minutes. 4 MR. MANSFIELD: Okay. Very good. 5 VIDEOGRAPHER: Off record. Time is 11:35. 6 [Off record.] 7 VIDEOGRAPHER: Back on record, 11:47, beginning 8 of Tape 2. 9 EXAMINATION BY MR. MANSFIELD: 10 Q. All right. Ms. McCurdy, my name is Ken 11 Mansfield and I need to ask you some follow-up questions. 12 First, have you had a chance to review your fact sheet, 13 Exhibit 1? 14 A. Yes. 15 Q. And have you made any changes or corrections to 16 it? 17 A. No. 18 Q. Okay. Look over for me, if you will, to -- let 19 me find the page number -- pages 17 and 18. 20 A. Okay. 21 Q. That's where you filled out the diet drugs that 22 you have taken. Correct? 23 A. Correct. 24 Q. Is that your handwriting? 25 A. Yes, it is.</p>	<p>Page 43</p> <p>1 Q. Dr. Spencer told you that it might be 2 arthritis? 3 A. Yeah, he said it might be. So he wasn't for 4 sure. 5 Q. Did he mention the possibility of it being diet 6 drugs or is that just -- 7 A. He didn't say. 8 Q. Dr. Spencer know that you took any diet drugs? 9 A. Yeah, I think it is in my records. 10 Q. Okay. But he never mentioned that as a 11 possibility. Right? 12 A. No, he did not. 13 Q. Okay. You said that while you were taking the 14 phentermine you lost, I think you said, 25 pounds? Is 15 that right? 16 A. 20 to 25 pounds, yes. 17 Q. And were you on an exercise program at that 18 time? 19 A. Yes. I was walking like two times a day. 20 Q. How far were you walking? 21 A. I guess it was about a mile. 22 Q. Okay. Each time? 23 A. Yes. 24 Q. So roughly two miles a day, generally. 25 A. Uh-huh.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. How many days a week? 2 A. Probably about four days a week approximately. 3 Q. And when did you stop your exercise program? 4 A. Oh, a while back. I don't remember but I 5 stopped a while back -- because the pills was giving me a 6 lot of energy. It just -- I was receiving a lot of 7 energy from the pills. 8 Q. So did you stop the exercise program around the 9 same time that you stopped taking the pills? 10 A. Yes. 11 Q. And you mentioned that sometimes you try to 12 walk now? Is that right? 13 A. I can't walk as far as I used to walk. Yes, 14 that's correct. 15 Q. When did you start going back out and trying to 16 walk? 17 A. Probably last year. 18 Q. Okay. Was that simply a desire to start 19 exercising again and possibly lose weight again? 20 A. Yes. Well, what I try to do is get on the same 21 format that I had before, walking in the mornings and 22 walking in the afternoons; but I just found that I didn't 23 -- I couldn't do it anymore. 24 Q. Have you gone back to Dr. Whitten? 25 A. No, I haven't. No.</p>	<p style="text-align: right;">Page 48</p> <p>1 thing as fen-phen? Is that right? 2 A. I just know all of it is -- is diet drugs. I 3 don't know the difference between the fen-phens. 4 Q. What have you heard about fen-phen? 5 A. What have -- I've heard that it caused a lot of 6 health problems. All diet drugs. 7 Q. Okay. Now, let's distinguish -- I want to know 8 first if you've heard something specifically about 9 fen-phen, and then we'll talk about what you may have 10 heard about any other diet drugs. 11 A. No. No, I haven't. I haven't heard anything 12 in particular about fen-phens. 13 Q. You've just heard generally that diet drugs are 14 not good for you. 15 A. Right. 16 Q. Okay. But as far as which diet drugs or 17 whether or not that's any and all diet drugs, you don't 18 know. 19 A. No, I don't know. 20 Q. All right. I am -- let's see. Look at your 21 fact sheet. I want to ask you about some more things 22 there. 23 A. Uh-huh. 24 Q. Turn over to page 11. Are you there? 25 A. Yes, I am.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Okay. Have you talked to any other doctor 2 about taking any more diet drugs -- 3 A. Oh, no. 4 Q. -- since you stopped taking the phentermine? 5 A. I don't want to take anything else. 6 Q. Okay. And what is your thinking behind that? 7 A. My thinking? 8 Q. Yes, ma'am. 9 A. From not taking it? 10 Q. Yes, ma'am. 11 A. Oh, I just don't want to take it any more 12 because I don't want anything else to happen to me. 13 Q. Have you ask any doctor about whether or not 14 these diet drugs, in fact, caused you any problems? 15 A. No. 16 Q. And your basis for believing that is simply 17 that you've heard that there was a problem associated 18 with fen-phen? 19 A. Yes. 20 Q. And has anybody told you that -- that the 21 phentermine you took is the same thing as fen-phen? 22 A. I -- I don't know. No. I don't think so. 23 Q. Okay. And that's -- that's really getting to 24 -- to what I was wondering; and that is, you are just 25 assuming that the phentermine that you took is the same</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Looking down at the bottom of the page under 2 letter J, it says, To the best of your knowledge, have 3 you ever been told by a doctor or any other person that 4 you have, may have or had any of the following. And then 5 you've checked number 3, heart attack. 6 A. Uh-huh. 7 Q. Who -- have you been told that you had a heart 8 attack? 9 A. When I went to the emergency room, they put me 10 on a Code Red and told me I was having a heart attack; 11 and that's when they rushed me in the back and hooked me 12 up to EKG, and I was there pretty much all night. 13 Q. How long were you in the hospital? 14 A. Oh, I don't remember. I just know I was there 15 for a couple of hours. 16 Q. Okay. I mean, they let you go the next day. 17 A. Yes. 18 Q. Okay. And I understand your testimony that 19 when they -- when you first got there, they thought you 20 might be having a heart attack; but once they did the 21 EKG, did they tell you -- did any doctor tell you yes, 22 you did have, or no, you didn't have a heart attack? 23 A. They said something with my heart -- a valve or 24 something my heart. That's all I know. And that was it. 25 And they gave me some medicine.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. Did -- did you see a cardiologist? 2 A. No. 3 Q. Did you have to go back after you were -- got 4 out of the hospital did you have to go back and be seen 5 by a cardiologist or any other doctor for a period of 6 time? 7 A. No, no more than my regular doctor. 8 Q. And your regular doctor, you're referring to 9 who? 10 A. At the time my doctor wasn't there. It was Dr. 11 Gee. 12 Q. Okay. Now, looking at your fact sheet -- I'm 13 looking over page 14 -- 14 A. Uh-huh. 15 Q. -- where under treatment for heart attack you 16 indicated that you were seen by a doctor -- looks like 17 Bogdan Chumak or Chumak Bogdan. 18 A. That's the doctor at Metroplex Hospital. 19 Q. Okay. It's Dr. Chumak. Is that right? 20 A. Chumak? 21 Q. Is Bogdan his first name? 22 A. Bogdan. Yes. 23 Q. And on the form here it looks like seen -- and 24 you put down in 2000? 25 A. Uh-huh.</p>	<p style="text-align: right;">Page 52</p> <p>1 -- I can't remember how many but it was a few of them 2 that they put all over me, and they ran a test on me, and 3 they just kept asking me about my neck and my head. 4 Q. Okay. And did they put several things on your 5 body with wires going back to a machine? 6 A. Yes, back to a machine. Then they had somebody 7 to come in and give me an x-ray right in the same room, 8 and they also had a chaplain to come down and pray over 9 me, and they just told me that they felt that I -- I've 10 had a heart attack. 11 Q. That was before the test. 12 A. That was during the test. 13 Q. Okay. Now, that test, that EKG, that was 14 different from the echocardiogram you had in December of 15 2002 in Columbus. Right? 16 A. That's correct. 17 Q. I mean, it was a totally different test. 18 A. Yes, it was. 19 Q. All right. Looking at page 12 -- that you have 20 been diagnosed with high cholesterol? 21 A. I -- cholesterol? Yes. 22 Q. Who diagnosed you with that? 23 A. Dr. Spencer. 24 Q. Okay. How long ago was that? 25 A. It had to be a while back because I didn't even</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Okay. Because I think earlier you had 2 testified 2001? 3 A. At the time I wasn't for sure on the dates. I 4 told them it was a -- it had been a while, so I wasn't 5 for sure on dates and year. 6 Q. Okay. So which one is it? 7 A. What's on the paper. 8 Q. The paper says 2000. 9 A. Then it's 2000. 10 Q. Do you know what kind of doctor Dr. Chumak is? 11 A. No. He was an emergency doctor at the 12 emergency room. 13 Q. He was the emergency room doctor. 14 A. Yes. 15 Q. And as far as what they did for you that night, 16 they put you on -- I mean, they did an electrocardiogram. 17 Is that right? 18 A. Yes. 19 Q. Or an EKG? 20 A. EKG, yes. 21 Q. Okay. Describe for me how they hooked you up 22 and what was actually done. 23 A. What they did, they hooked up several little 24 instruments -- well, maybe it's not instruments. It's 25 like little sticky little instruments to my body. It was</p>	<p style="text-align: right;">Page 53</p> <p>1 remember. 2 Q. Okay. I mean, are we talking about, like, 3 before you -- you took diet drugs or after? 4 A. I don't -- I don't recall. 5 Q. Okay. On page 13, at the top, you indicated 6 that you had been diagnosed with gallbladder disease; and 7 then looking down there lower in the page, it looks like 8 what you're referring to is the bladder problem that 9 you've explained earlier? Is that right? 10 A. Yeah. That was the closest diagnostic that you 11 guys had on the paper, so that's why I put bladder. 12 Q. Okay. 13 A. And then I put, in K, bladder. 14 Q. Right. Right. I got you. All right. And 15 then you also checked that you had been diagnosed with 16 rheumatoid arthritis. Now, are you talking about the 17 hand? 18 A. Yes. The left hand. Yes. 19 Q. Looking over on page 16. 20 A. 16? Okay. 21 Q. All right. You checked -- I'm looking at Q in 22 the middle of the page. 23 A. Uh-huh. 24 Q. You checked that you have had an 25 echocardiogram.</p>

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<p style="text-align: right;">Page 54</p> <p>1 A. Uh-huh. 2 Q. Now, is that the one in Columbus that you told 3 us about? 4 A. Yes. 5 Q. Okay. Then you checked number 4 that you have 6 had a pulmonary function test. 7 A. No, that's not a check. 8 Q. It's not? 9 A. No. 10 Q. Okay. You have not had a pulmonary function 11 test. Right? 12 A. No. 13 Q. Okay. I believe that is a check in number 7. 14 Right? 15 A. Yes. 16 Q. Okay. Now, have you had an arterial cardiac or 17 pulmonary angiogram? 18 A. When I worked for Lockheed Support System, that 19 was something that they had to do yearly. 20 Q. All right. And where was that done? 21 A. I think it was done in -- it was done in 22 Killeen at a doctor's office. 23 Q. Do you know the doctor's name? 24 A. No, I can't remember. That was a while back. 25 Q. If we were wanting to get records of those, how</p>	<p style="text-align: right;">Page 56</p> <p>1 knowledge, have you ever experienced any of the 2 following? Number 1, shortness of breath not associated 3 with vigorous exercise, you checked yes. Correct? 4 A. Uh-huh. 5 MR. GATES: Remember to say yes or no. 6 A. Yes. I checked yes. 7 MR. MANSFIELD: 8 Q. And when have you experienced shortness of 9 breath not associated with exercise? 10 A. It's not associated -- housework. 11 Q. Okay. 12 A. I mean, it just -- I just get tired and I just 13 have to sit down for a while. 14 Q. Okay. And when did you first start 15 experiencing that? 16 A. This is -- it's been a while ago but I still 17 have some symptoms of it. 18 Q. Okay. When you say a while ago, what do you 19 mean? 20 A. When it first started up it was -- when -- oh, 21 god, it's been so long. I'll say probably about four 22 years ago or something like that. 23 Q. Okay. And you are 45? Is that right? 24 A. Yes. 25 Q. Okay. So shortly after you turned 40.</p>
<p style="text-align: right;">Page 55</p> <p>1 would you suggest we go about that? 2 A. I would just have to go back and research -- 3 call the old company and ask them for the doctor's name. 4 Q. Okay. Could you see if you could find out the 5 doctor's name and provide it to your attorney? 6 A. Sure. 7 Q. As far as you know, did those tests -- did they 8 ever reveal anything? 9 A. No. I think all the tests was normal. It was 10 just something that we had to do far as a government 11 contract. 12 Q. Okay. Tell me how that test was performed. 13 A. It's just different -- several tests that they 14 give you, and I guess they're just checking for your 15 lungs; and each year we had to do it, so they kept like a 16 chart to compare it each year. 17 Q. Okay. As far as actually what they did to you, 18 do you remember? 19 A. I can't remember. I think it was several 20 different tests that we had to do. We had to blow in a 21 machine, and they did some other kind of test. It was 22 several different tests that they had to complete. 23 Q. All right. Looking back at page 10. 24 A. Uh-huh. 25 Q. Looking at section H: To the best of your</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Yes. 2 Q. Okay. Number 2 there you checked persistent or 3 recurrent pain in your chest. 4 A. Referring back to the hospital. 5 Q. You're talking about in 2000 when you went to 6 the hospital. 7 A. Yes, that's what I'm talking about. 8 Q. All right. Number 4, you checked abnormal lack 9 of energy. 10 A. Uh-huh. 11 Q. When did you first begin experiencing that? 12 A. A couple years ago. That's back to the 13 walking, lack of energy. 14 Q. Number 5, fainting dizziness or 15 lightheadedness. When -- when have you experienced that? 16 A. That's still going on, the headaches. 17 Q. The migraine headaches? 18 A. Yes. 19 Q. Is that -- do you have that or do you 20 experience the fainting or dizziness or lightheadedness-- 21 A. No, it just the -- the lightheadedness. 22 Q. The lightheadedness. Okay. 23 A. Uh-huh. 24 Q. And that's simply when you have the migraine 25 headache?</p>

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<p style="text-align: right;">Page 58</p> <p>1 A. Yes. 2 Q. And do you take any specific medication for 3 migraine headaches? 4 A. My doctor have me on Motrin. 5 Q. Yeah. That's the prescription strength Motrin 6 that you mentioned? 7 A. Yeah. He told me to go ahead and continue to 8 take that for it. 9 Q. Okay. And you take it just when you have the 10 headaches or when you feel them coming on? 11 A. When I feel them coming on. 12 Q. All right. Number 8, head pounding, Is that 13 again -- you're talking about the migraine? 14 A. Yes. 15 Q. Okay, number 10, memory loss. When have you 16 experienced that? 17 A. I guess when I was going to see my 18 psychiatrist. I guess that should be part of depression. 19 Q. Depression? Okay. And remind me when -- how 20 long ago was that? 21 A. It's been a while. I don't remember. 22 Q. What was -- what is your psychiatrist's name? 23 A. Dr. Ratnam. R-a-t-n-a-m. 24 Q. Okay. Number 11, arthritis or joint pain. Is 25 that the hand --</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Thank you. 2 EXAMINATION BY MS. LADNER: 3 Q. I've got just a few questions, Ms. Irby. The 4 first thing I wanted to go over with you are the 5 responses that you gave in your fact sheet regarding 6 phentermine, you've filled in on page 17 two dates: May 7 21st of '98 and August the 6th of '98. Do you know where 8 that information came from? 9 A. Off of my prescription. 10 Q. Okay. Did it come off of the bottles 11 themselves or off of the pharmacy records? 12 A. Off of the pharmacy records. 13 Q. Okay. So somewhere there exists a pharmacy 14 record that's better than the one that's attached to this 15 exhibit. Have you looked at the one that's attached to 16 this exhibit? 17 A. I don't have one that's attached to this 18 exhibit. 19 MR. GATES: Just a second. it's another 20 exhibit. let me get it for her. 21 MS. LADNER: Thank you, George. 22 MR. GATES: It's number 4. 23 MS. LADNER: 24 Q. Ms. Irby, can you look at what's been marked as 25 Exhibit 4 and see that the months dates on that chart do</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes. 2 Q. -- problem you were telling us about? 3 A. Yes. 4 Q. Anything else? 5 A. No. 6 Q. Do you claim that you have suffered any 7 psychological or emotional injury as a result of having 8 taken phentermine? 9 A. I don't know. I just know that I was depressed 10 but I don't know how you would category that. I don't -- 11 I don't know. 12 Q. Okay. And when you were telling us about the 13 depression-- and I may have missed it -- I don't remember 14 you saying that the diet drugs caused or contributed to 15 that as far as you know. 16 A. No, I -- no. 17 Q. Okay. So let me ask the question again, then. 18 Do you claim that you have suffered any psychological or 19 emotional injury as a result of having taken the diet 20 drugs? 21 A. I don't know. 22 Q. Nothing that you're aware of. 23 A. Not that I'm aware of. That's correct. 24 Q. All right. Thank you. I believe that's all 25 that I have.</p>	<p style="text-align: right;">Page 61</p> <p>1 not reflect what months you took phentermine? 2 A. Okay. 3 Q. Do you agree with that? 4 A. Okay. 5 Q. All right. And you do agree, though, that it 6 shows that on the 21st day of some month in 1998, it 7 shows you took phentermine; and on the 6th day of some 8 month in 1998 you took phentermine. Is that correct? 9 A. That is the 6th. It's 8-6-98. 10 Q. Oh, you can see the 8 on -- 11 A. That's not a 16. That's an 8 slash 6 slash 98. 12 Q. All right. You can see that on your copy. 13 A. Yes. 14 MR. GATES: I'm sorry. She's looking at the 15 fact sheet, not the pharmacy records. She's asking about 16 if you can see the first month. 17 A. Oh, no, I can't see the first month. I'm just 18 looking at the records that I have. 19 MS. LADNER: 20 Q. But you do remember that when you filled out 21 the fact sheet you had a pharmacy record in front of you 22 and you would have copied those dates from the pharmacy 23 record? 24 A. I think I did. 25 Q. Okay. Let me ask you this: Is it your</p>

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<p style="text-align: right;">Page 62</p> <p>1 recollection that you got 30 pills the first time that 2 you took phentermine? 3 A. Uh-huh. It was 30 pills. 4 Q. All right. And would you agree with me that 5 May 21st is more than 30 days away from August the 6th? 6 A. I just know he gave me 30 pills. 7 Q. All right. So did you take the pills every 8 single day? 9 A. Yes. 10 Q. All right. And did you immediately go in and 11 get a refill on the prescription or was there some period 12 of weeks or months before you went in and got your second 13 prescription? 14 A. There was a time period. 15 Q. All right. And does it sound logical that it 16 was in late May of '98 that you got your first 17 prescription and then you waited until August of '98 to 18 get your second prescription? 19 A. Whatever the pharmacy have on here. This is 20 the only pharmacy that I would get the medicine from, so 21 this would be correct. 22 Q. Okay. Do you recall filling out an opt-out 23 form? 24 MR. GATES: [Nodded head affirmatively.] 25 A. Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 Ormond Beach, Florida? 2 A. No. 3 Q. Do you know the doctor that analyzed your 4 echocardiogram? Have you met him? 5 A. No. 6 Q. Have you ever heard of a doctor named Dr. Tai? 7 A. I don't know. I just know I went in and had it 8 done. I don't -- I mean, nobody introduced themselves or 9 anything to me. It was just -- I just had the test done. 10 Q. Whom have you talked to regarding your 11 echocardiogram? 12 A. No one, really. I think I just carried it to 13 my regular doctor and had them to put in my file. 14 Q. Okay. And when you say your regular doctor, 15 who is that? 16 A. Spencer. 17 Q. What did Dr. Spencer tell you about the 18 echocardiogram? 19 A. I don't recall. 20 Q. Did you share the results of your 21 echocardiogram with anyone other than Dr. Spencer? 22 A. No. 23 Q. Did you discuss the results of your 24 echocardiogram with the doctor or the technician who 25 performed the echocardiogram?</p>
<p style="text-align: right;">Page 63</p> <p>1 MS. LADNER: 2 Q. Do you know why you filled that out? 3 A. Yes, I do. Is that to -- is that -- I think 4 it's just to check my medical records or history or 5 something. 6 Q. Did you ever intend to participate in some sort 7 of a national class action settlement? 8 A. I don't recall. 9 Q. Let me talk to you for a minute about the 10 echocardiogram that was done. I think you mentioned 11 earlier it was done in Columbus? Is that correct? 12 A. That's correct. 13 Q. Were you referring to Columbus, Mississippi? 14 A. Yes. 15 Q. All right. Have you seen any echocardiogram 16 and Doppler analysis that's been provided to us? 17 A. Yes. 18 Q. And would you agree with me that at the top of 19 that document it says Ormond Beach, Florida? 20 A. I don't recall. I don't have -- 21 Q. Do you -- 22 A. Oh -- 23 Q. Do you know -- 24 A. Oh, yes. 25 Q. -- why the echocardiogram was analyzed in</p>	<p style="text-align: right;">Page 65</p> <p>1 A. No. 2 Q. Do you know what the results show in that 3 echocardiogram? 4 A. No. 5 Q. Who recommended that you get the 6 echocardiogram? 7 A. My attorney's office sent me a letter 8 referring. 9 Q. Do you know what time period it was in which 10 you first contacted an attorney about your litigation 11 regarding diet drugs? 12 A. No. 13 Q. Do you have any documentation at home that 14 would help us to ascertain what date you first contacted 15 a lawyer about this lawsuit? 16 A. No. 17 Q. Did you sign a letter of engagement with your 18 attorney or a representation type of letter with your 19 attorney Mr. Colom? 20 A. I think I did. 21 Q. Did you retain a copy of that letter? 22 A. I don't recall. 23 Q. Okay. That's certainly fair enough. How long 24 was it before you signed the letter of representation 25 that you first contacted Mr. Colom?</p>

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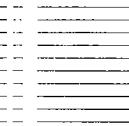
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<p style="text-align: right;">Page 66</p> <p>1 A. Oh, I can't remember. That's been a while. I 2 don't know. 3 Q. Have you filed any other lawsuits in your 4 lifetime? 5 A. Lawsuit? Yes, I have. 6 Q. Which one? 7 A. Just regular lawsuits? 8 Q. Yes. Any type of lawsuit is what I want to 9 know about. 10 A. Oh, any kind? I think accident lawsuit or 11 something like that. Just -- 12 Q. Okay. You filed a lawsuit regarding an 13 accident. 14 A. Uh-huh. 15 Q. When was that accident? 16 A. I -- probably sometimes in 1990. I don't 17 remember when. 18 Q. What kind of an accident was it? 19 A. A car accident. 20 Q. Who was at fault? 21 A. The other person. 22 Q. Who represented you? 23 A. An attorney in Killeen. 24 Q. And you think the accident was in approximately 25 1990?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Oh, yes. 2 Q. Have you ever had any contact with a company 3 called SmithKlineBeacham? 4 A. No. 5 Q. Does your sister Ruby still work for an 6 attorney? 7 A. No. 8 Q. Am I to understand you correctly that while you 9 were taking the diet drugs you did not experience any 10 symptoms that you related to the diet drugs? 11 A. No. 12 Q. When was the first time that you felt you 13 experienced a symptom related to diet drugs? 14 A. I don't recall. It's been a while back. 15 Q. Did you consult a physician as soon as you 16 suspected you had a symptom related to diet drug use? 17 A. Yeah. I went to my doctor. 18 Q. And you're talking here about Dr. Spencer? 19 A. Uh-huh. 20 Q. Did you tell Dr. Spencer that you thought your 21 symptoms may be related to diet drugs? 22 A. No. 23 Q. All right. And was the first symptom that you 24 experienced that you think was related to diet drugs the 25 uncontrollable bladder or was it the migraine headaches?</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Sometimes in 1990, but I don't remember when. 2 Q. How were you injured in that accident? 3 A. I think I just had back problems, but I think 4 it -- it was because of the impound of the car. 5 Q. Did you end up settling that lawsuit? 6 A. Yes. 7 Q. How much money did you receive? 8 A. I don't remember. I think it might have been 9 2000, but that's -- I can't remember. 10 Q. Were you deposed in that lawsuit? 11 A. No. 12 Q. Any other lawsuits that you've been a party to? 13 A. Not that I can recall at this time. 14 Q. Have you ever made a claim against any other 15 company? 16 A. No. 17 Q. Have you ever contacted an attorney about 18 potentially having a claim against any other company or 19 individual? 20 A. No. 21 Q. Have you ever been a defendant in a lawsuit? 22 A. No. 23 Q. I guess the only other lawsuit that you've ever 24 been a party to, then, other than the car accident in 25 1990, this lawsuit, would be your divorce?</p>	<p style="text-align: right;">Page 69</p> <p>1 A. It was the migraine headaches. 2 Q. All right. And did you tell Dr. Spencer that 3 you suspected that they might be related to diet drugs? 4 A. No. 5 Q. But when you consulted him the first time about 6 your migraines headaches, you did in fact suspect it 7 might be related to diet drugs. Is that correct? 8 A. I did, yes. 9 Q. What about the first time you consulted him 10 about your uncontrollable bladder? At that time did you 11 tell him you thought it might be associated with diet 12 drugs? 13 A. No. 14 Q. Did you at that time, in fact, suspect that 15 your uncontrollable bladder might be related to your use 16 of diet drugs? 17 A. Yes. 18 Q. And what about the pain in your left hand? Did 19 you, at the time you first experienced it, suspect that 20 it was caused by your use of diet drugs? 21 A. I did, yes. 22 Q. And did you tell Dr. Spencer that? 23 A. No. 24 Q. How long did you experience migraine headaches 25 before you went to see Dr. Spencer about them?</p>

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<p>1 A. For maybe two weeks.</p> <p>2 Q. And you'd never had any migraine headaches</p> <p>3 before then?</p> <p>4 A. No, never.</p> <p>5 Q. Anyone in your family suffer with migraine</p> <p>6 headaches?</p> <p>7 A. No.</p> <p>8 Q. Does anyone in your family suffer with</p> <p>9 uncontrollable bladder?</p> <p>10 A. No.</p> <p>11 Q. The medication that you currently take for the</p> <p>12 uncontrollable bladder: Did I understand you to say that</p> <p>13 you received that medication or you filled that</p> <p>14 prescription at the Wal-Mart pharmacy?</p> <p>15 A. Yes.</p> <p>16 Q. And would that be the Wal-Mart pharmacy on</p> <p>17 Lowe's Boulevard in Killeen?</p> <p>18 A. Yes.</p> <p>19 Q. Do you use any other pharmacies other than that</p> <p>20 one?</p> <p>21 A. Wal-Mart is the only one. I think the military</p> <p>22 also.</p> <p>23 Q. Does that pharmacy have a name?</p> <p>24 A. I don't know. I just know is the military --</p> <p>25 probably is Dornell Hospital. I don't -- I don't know</p>	<p>Page 70</p> <p>1 A. Not that I can recall.</p> <p>2 Q. Okay. And were you ever personally in the</p> <p>3 military?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Do either of your children have any health</p> <p>6 problems?</p> <p>7 A. No.</p> <p>8 Q. What about your husband? Does he have any</p> <p>9 health problems?</p> <p>10 A. My husband. I think my husband have diabetes.</p> <p>11 Q. All right. We don't have all of your medical</p> <p>12 records, obviously, at this time; so we will recess the</p> <p>13 deposition with the understanding that when we receive</p> <p>14 additional -- when or if we receive additional medical</p> <p>15 records, we may need to reconvene.</p> <p>16 MR. GATES: That's fine.</p> <p>17 MS. LADNER: Of course, I'm recessing pending</p> <p>18 Emilie or Ken having any additional questions. Do either</p> <p>19 of you have any?</p> <p>20 MR. MANSFIELD: No. I don't.</p> <p>21 MS. WHITEHEAD: I do not.</p> <p>22 MR. GATES: All right. Y'all have a nice day.</p> <p>23 MS. LADNER: Thanks, everyone.</p> <p>24 A. Thank you.</p> <p>25 VIDEOGRAPHER: Off record. Time is 12:26.</p>
<p>1 the pharmacy there.</p> <p>2 Q. Can you spell the name of that hospital for me?</p> <p>3 A. I think it's D-o-r-n-e-l-l.</p> <p>4 Q. Thank you. Am I correct to understand that it</p> <p>5 was just this Dr. Whitten --</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is he the only doctor that's ever prescribed</p> <p>8 diet drug medication for you?</p> <p>9 A. That I can recall of, yes.</p> <p>10 Q. And you don't have any records to show your</p> <p>11 receiving prescriptions from anybody other than Dr.</p> <p>12 Killen?</p> <p>13 A. Doctor who?</p> <p>14 Q. Dr. Whitten. Is that correct?</p> <p>15 A. For diet drugs?</p> <p>16 Q. Yes, ma'am.</p> <p>17 A. Yes.</p> <p>18 Q. Have we talked about all of the doctors that</p> <p>19 you have received care from in the last ten years, or is</p> <p>20 there some other healthcare providers that you have not</p> <p>21 identified throughout the course of this deposition?</p> <p>22 A. At this time, I think this is everyone.</p> <p>23 Q. Have you ever filed for bankruptcy?</p> <p>24 A. No.</p> <p>25 Q. Have you ever been convicted of a crime?</p>	<p>Page 71</p> <p>Page 73</p>     

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Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DIVISION OF PENNSYLVANIA

3 IN RE DIET DRUGS

4 (PHENTERMINE/

MDL. NO. 1203

5 FENFLURAMINE/DEXFENFLURAMINE)

6 PRODUCTS LIABILITY LITIGATION

7 * * * * *

8 MARY F. SANDERS, ET AL.

PLAINTIFFS

9 V.

CIVIL ACTION NO. 2:03CV20121

10 WYETH-AYERST PHARMACEUTICALS, INC.,

11 f/k/a WYETH-AYERST LABORATORIES, INC.;

12 ET AL.

DEFENDANTS

13 VIDEOTAPED DEPOSITION OF

14 MARY F. SANDERS

15
16 TAKEN AT THE INSTANCE OF DEFENDANTS
17 AT OFFICES OF THE COLOM LAW FIRM
18 200 6TH STREET NORTH, COLUMBUS, MISSISSIPPI
19 ON APRIL 16, 2004, BEGINNING AT 10:00 A.M.

20 (APPEARANCES NOTED HEREIN)

21
22 Reported by: REGINA D. RUSSELL, CSR 1110

23
24

BOND & ASSOCIATES
25 POST OFFICE BOX 320666
JACKSON, MISSISSIPPI 39232
(601) 936-4466

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27 Also Present: MR. ROBERT L. FORD,
 Videographer

28

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 25

1 (Exhibit Nos. 1-4 were premarked prior
 2 to the deposition commencing.)

3 MR. FORD: This is the deposition of
 4 Mary F. Sanders, taken in the suit styled Mary F.
 5 Sanders, et al, Plaintiffs, v. Wyeth, Incorporated,
 6 et al, Defendants, in Civil Action No. 03-20121, in
 7 the United States District Court for the Eastern
 8 Division of Pennsylvania, in reference to diet drugs
 9 Phentermine -- MDL No. 1203 --
 10 Fenfluramine/Dexfenfluramine Products Liability
 11 Litigation. This deposition is being taken on April
 12 the 16th, 2004, at the Colom Law Firm, 200 Sixth
 13 Street North, Suite 102, Columbus, Mississippi,
 14 39701. The court reporter is Regina Russell. The
 15 videographer is Robert L. Ford. The time is 10:18
 16 a.m. We're on the record. Beginning with the
 17 Plaintiff, would the attorneys please introduce
 18 themselves?

19 MR. BLOUNT: This is Scott Blount with
 20 the firm of Butler Snow for the Defendants Wyeth.

21 MS. TOLLE: My name Michelle Tolle.
 22 I'm with Page, Kruger & Holland for the plaintiff.

23 MR. FORD: Would the court reporter
 24 please swear the witness?

25 MS. TOLLE: Actually --

Page 3

Page 5

1 MR. FORD: Oh, I'm sorry.
 2 MS. LADNER: Lynn Ladner for
 3 SmithKline Beecham.
 4 MS. WHITEHEAD: Emilie Whitehead for
 5 Goldline and Rugby.

6 MR. BROUILLETTE: Steve Brouillette

7 for Gate Pharmaceutical.

8 MS. LADNER: Thank you.

9 MR. FORD: Will the court reporter
 10 please swear the witness?

11 MARY F. SANDERS, after being duly
 12 sworn, testified as follows:

13 EXAMINATION

14 BY MR. BLOUNT:

15 Q. Hi, Ms. Sanders. My name is Scott Blount.
 16 I represent the Wyeth defendants who manufacture the
 17 drug Pondimin. And I just want to go over a few of
 18 the ground rules, kind of, for the deposition. Any
 19 time we ask you a question, if you'd please respond
 20 with yes or no or ask us to -- or we need you to
 21 respond verbally to us, please. Nodding of the head,
 22 while it will show up on the video camera --
 23 while it will show up on the video camera --
 24 A. Okay.
 25 Q. -- it won't show up on the court

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<p style="text-align: right;">Page 6</p> <p>1 reporter -- on her -- her -- her copy. So we may 2 have to ask you to -- to say it yes or no. And if we 3 do that, please don't take offense to it. 4 A. Uh-huh (Indicating yes). 5 Q. If -- if you need a break for any reason, 6 if you need to catch your breath, you need a drink of 7 water or anything like that, just let us know, and 8 we'll be happy to -- to let you go -- go get a break. 9 I'm sure one of us will probably ask for one if it -- 10 if it goes more than three or four hours without a 11 break. And I need to know if -- no. I'm sorry. 12 If -- if your -- if your attorney makes an objection 13 to the case, unless she instructs you not to answer, 14 you'll -- you'll need to go ahead and answer the 15 question. It's -- it's just more of a formality 16 than -- than it's -- than it is actually preventing 17 you from answering anything. But if she instructs 18 you not to answer a question, you know, don't answer 19 it. If you need the -- if -- if there's any -- I'm 20 sorry. 21 (Videographer adjusts the light.) 22 MR. BLOUNT: Thank you very much. 23 That was very bright. 24 Q. (By Mr. Blount) Is there any reason today 25 that you won't be able to answer any questions</p>	<p style="text-align: right;">Page 8</p> <p>1 you said Macon Lynn Creek? 2 A. Macon Lynn Creek Road. 3 Q. Okay. 4 A. Uh-huh (Indicating yes). 5 Q. And what was the zip code again? 6 A. I just swallowed the gum. 7 Q. Do you need some water? 8 A. 39341. No. I'm fine. 9 Q. Okay. Are you married? 10 A. Yes. 11 Q. And what's your husband's name? 12 A. Tavus Sanders. 13 MS. TOLLE: Actually, before we go any 14 further, can I -- are we just doing the standard 15 preserving any objections other than form? 16 MR. BLOUNT: Sure. Yeah. 17 MS. TOLLE: Okay. I just wanted to 18 ask before we get underway. 19 MR. BLOUNT: I think -- yeah. The 20 pretrial -- I think the pretrial order -- 21 MS. TOLLE: Oh. 22 MR. BLOUNT: -- says -- states that. 23 But I -- so I forget to ask sometimes. 24 MS. TOLLE: Great. 25 Q. (By Mr. Blount) That's -- Tavus Sanders is</p>
<p style="text-align: right;">Page 7</p> <p>1 truthfully? 2 A. No. 3 Q. No. Okay. Do you know of any medication 4 that you may be on, that may affect any of your 5 answers today? 6 A. I'm not on any -- any medication at all. 7 Q. Okay. Do you -- have you ever been deposed 8 before in any -- any matter? 9 A. Have I -- do what? 10 Q. Have you ever been in a deposition before? 11 A. No. 12 Q. Have you ever been involved in a lawsuit 13 before? 14 A. No. 15 Q. Has anybody ever sued you before? 16 A. No. 17 Q. No. Okay. Let me just get a few personal 18 things out of the way. What is your full name? 19 A. Mary F. Sanders. Frances -- 20 Q. Frances? 21 A. -- is my middle name. 22 Q. And what is your age and address? 23 A. Thirty-one. Address: 251 Macon Lynn Creek 24 Road, Macon, Mississippi, 39341. 25 Q. I'm sorry. What did you say? Is that --</p>	<p style="text-align: right;">Page 9</p> <p>1 your husband? 2 A. Yes. 3 Q. And what does Mr. Sanders do? 4 A. Truck driver. 5 Q. Truck driver. Do you know which company he 6 drives for, or does he drive by himself? 7 A. United Transportation in Eutaw -- Eutaw, 8 Alabama. 9 Q. Does he live in Eutaw, or does he live with 10 you? 11 A. No. He lives in Macon. 12 Q. Lives in Macon. And how long have y'all 13 been married? 14 A. Six years. 15 Q. Have you ever been married before him? 16 A. No. 17 Q. Okay. Do y'all have any children? 18 A. Two. 19 Q. What are their names? 20 A. Malik Sanders and Tyler Sanders. 21 THE COURT REPORTER: Spell it, please. 22 THE WITNESS: T-Y-L-E-R, Tyler. Or 23 Malik's? 24 THE COURT REPORTER: Malik? 25 THE WITNESS: M-A-L-I-K.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. (By Mr. Blount) Okay. And how old is 2 Malik? 3 A. He's eight. 4 Q. He's eight. And how old is Tyler? 5 A. She's five. 6 Q. She's five. I'm sorry. Okay. And what is 7 your maiden name? 8 A. Mason. 9 Q. Mason. Okay. Does anybody else live 10 in your -- live in your house besides you and your 11 husband and two kids? 12 A. No. 13 Q. No. Okay. What is your social security 14 number? 15 A. 353-62-4093. 16 Q. Okay. And if you could, for me, describe 17 your current house? 18 MS. TOLLE: Could you be more 19 specific? 20 Q. (By Mr. Blount) Your current residence. 21 Like, is it two story, one story? 22 A. No. One story. 23 Q. One story. Do y'all have a large yard? 24 A. No. 25 Q. No. Is it -- is it a house, or is it an</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. And do you work full time there? 2 A. Weekends. Thursday, Friday, Saturdays. 3 Q. About -- about what -- what are your 4 average hours you put in? 5 A. Well, I go in about 9:00, and I kind of, 6 like, leave out maybe like 5:00, 6:00. 7 Q. Okay. 8 A. And on Saturdays, I leave like 12:00. Go 9 in about 7:00 and leave about 12 o'clock. 10 Q. Twelve o'clock noon? 11 A. Twelve o'clock noon. 12 Q. Do you stay pretty busy when you're there? 13 A. Sort of. 14 Q. Sort of. How long have you been doing 15 that? 16 A. Ten years. 17 Q. Ten years. Same -- same place? 18 A. No -- well, I just recently opened my 19 beauty shop about six months ago. 20 Q. Okay. Where did you work before then? 21 A. 512 Hair -- no. Brenda's Cutting Edge. 22 Q. Brenda's Cutting Edge? 23 A. Yes. 24 Q. And how long did you work at Brenda's 25 Cutting Edge?</p>
<p style="text-align: right;">Page 11</p> <p>1 apartment? 2 A. It's a house. 3 Q. House. And do you know about -- 4 approximately how much square feet? 5 A. No. 6 Q. No. How many -- how many bedrooms do you 7 have? 8 A. Three bedrooms. 9 Q. Three. Would you -- would you consider it 10 a pretty big house? 11 A. Nah -- no. 12 Q. Okay. Okay. And who is -- are you 13 currently employed? 14 A. Yes. 15 Q. Where do you work? 16 A. I'm a hair dresser. 17 Q. Do you work for someone or yourself? 18 A. No. Self employed. 19 Q. Do you work from home, or do you have -- do 20 you have a shop? 21 A. I have a beauty shop. 22 Q. What's the -- do you have a name for -- 23 A. Beauty of Color. 24 Q. And where is that? 25 A. In Macon, Mississippi.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. About five months. 2 Q. Did you -- what kind of hours did you put 3 in at Brenda's? 4 A. Just the weekends. 5 Q. Just weekends. Did you do something 6 else -- did you work somewhere else during the week? 7 A. No. 8 Q. No. Do you currently work any -- somewhere 9 else during the week? 10 A. No. 11 Q. All right. And how about before Brenda's? 12 A. 512 Hair Connection. 13 Q. How long did you work there? 14 A. About a year. 15 Q. About a year. Same -- same -- same hours 16 on -- just on weekends? 17 A. Yes, just weekends. 18 Q. Okay. What about before then? 19 A. J & S Hair Salon. 20 Q. J & S? 21 A. Yes. 22 Q. And how long did you work at J & S? 23 A. About two months. 24 Q. All right. And same -- same hours again, 25 weekends?</p>

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	Page 14		Page 16
1 A. Yes.		1 A. Two years of college --	
2 Q. Have you ever worked 40 hour weeks in -- at		2 Q. Two years of college?	
3 any -- in the beauty shops?		3 A. -- as far as beauty school.	
4 A. No.		4 Q. Where did you go to college?	
5 Q. All right. Okay. Is that pretty much --		5 A. Mary Holmes College in West Point,	
6 pretty much -- you've worked several different beauty		6 Mississippi.	
7 shops?		7 Q. Okay. Just a few more kind of standard	
8 A. Yes. Well, when I first started doing hair		8 questions. Have you ever filed a workers'	
9 in '93 --		9 compensation claim?	
10 Q. Uh-huh (Indicating yes).		10 A. No.	
11 A. -- I worked at J -- JJ's Beauty Salon.		11 Q. Have you ever filed for any social security	
12 Q. Is that in Macon?		12 disability?	
13 A. Yes, in Macon.		13 A. No.	
14 Q. Have -- have all of your jobs been in		14 Q. Have you ever filed any disability claim	
15 Macon -- all the --		15 with a -- with an employer or with an insurance	
16 A. All of them.		16 company?	
17 Q. Okay.		17 A. No.	
18 A. Well, all but J & S Hair Salon. That was		18 Q. Okay. Where did you -- where did you	
19 in Columbus, Mississippi.		19 attend beauty school?	
20 Q. Oh, okay. J & S was in Columbus. Okay.		20 A. Mary Holmes College.	
21 And how long did you work at JJ's?		21 Q. At Mary Holmes. Okay. Do you have any --	
22 A. About five years there.		22 do you have any close family -- or do you have any	
23 Q. Okay. And were you working the part-time		23 family members that have any kind of medical	
24 weekend work again?		24 training: a nurse or maybe a nurse's aide or --	
25 A. Well, I worked in the front -- sales		25 A. No.	
	Page 15		Page 17
1 because it was a -- a supply store.		1 Q. -- radiology tech or anything?	
2 Q. Okay.		2 A. No.	
3 A. And I'd do hair like on the weekends or		3 Q. No doctors?	
4 just when I feel like it. But mostly, I worked in		4 A. No.	
5 sales.		5 Q. Okay. When -- and -- pretty much all of	
6 Q. And you worked all during the week		6 the -- all of the jobs you've had as a beautician,	
7 during -- in sales?		7 has it be pretty much similar work?	
8 A. Yes.		8 A. Yes.	
9 Q. Were you working on your degree at that		9 Q. Doing -- is it mostly doing hair?	
10 point?		10 A. Yes.	
11 A. Well, yes, because I had to go take my --		11 Q. Are you pretty much on your -- are you on	
12 the state board.		12 your feet most of the time?	
13 Q. Uh-huh (Indicating yes).		13 A. Yes.	
14 A. And I really didn't really have interest in		14 Q. Okay. So when you -- when you go in --	
15 doing hair. I had finished school, and then I just		15 when you go into work at -- at 9:00, is -- about --	
16 worked in sales. And then I decided to go ahead and		16 between 9:00 and 5:00, about how many hours of that	
17 get my license and --		17 day are you on your feet?	
18 Q. Okay. All right. So when did you get your		18 A. I would probably say like about five, six.	
19 license?		19 Q. Five or six hours. Okay. Have you ever	
20 A. In '93.		20 been in the military?	
21 Q. In '93. Okay. Do you have -- do you have		21 A. No.	
22 any other degrees?		22 Q. Okay. All right. Let me start going	
23 A. No.		23 through some medical history with you. And it's	
24 Q. What's your -- what's your highest level of		24 pretty much -- a pretty comprehensive medical history	
25 education?		25 I'd like to have. And we'll start with just asking	

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<p style="text-align: right;">Page 18</p> <p>1 you, have you ever been -- have you ever been 2 hospitalized? 3 A. No. 4 Q. No. Well, do -- were you in the hospital 5 when you gave birth to your children? 6 A. Yes. That's the only time. 7 Q. Okay. What -- what hospital did you use? 8 A. Oktibbeha -- 9 Q. Oktibbeha. 10 A. -- County. It was in Starkville, 11 Mississippi. 12 Q. Okay. And which -- for which one of your 13 children? For both of them? 14 A. Malik and Tyler, yes. 15 Q. Okay. Did -- did you have any problems 16 with pregnancy or anything? 17 A. No. 18 Q. Did you have any complications after they 19 were born? 20 A. No. 21 Q. Okay. Who is your -- who was their 22 doctor -- or who was the doctor that you used? 23 A. Dr. Pearson and Dr. Cobb. 24 Q. Do you know where their offices are? 25 A. Starkville, Mississippi.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. All right. Have you ever had any 2 outpatient procedures? 3 A. I had a tubal. 4 Q. You had a tumor? 5 A. A tubal. 6 Q. A tubal? 7 A. Tubes tied. 8 Q. All right. And that was performed by the 9 same physicians? 10 A. Dr. Pearson. 11 Q. Dr. Pearson. Was that performed at -- 12 outpatient at Oktibbeha? 13 A. Yes. 14 Q. All right. Is that -- is it those -- are 15 those the only -- is that the only time you've ever 16 been out -- have any kind of outpatient procedure? 17 A. Yes. 18 Q. Okay. What -- is that -- and that's the 19 only time you've ever been hospitalized, for your 20 children? 21 A. Yes. 22 Q. Okay. Have you ever had to go to the 23 emergency room for any illness or any injury? 24 A. Just for my chest. 25 Q. Your chest. When did you go -- when --</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Both in Starkville. Are they with the same 2 group? 3 A. Yes. 4 Q. Do you know the name of the group? 5 A. I guess Starkville Women for -- I mean 6 Starkville Clinic for Women -- it's Starkville 7 Women's Clinic. 8 Q. Okay. And do you have a -- do you use that 9 clinic for GYN? 10 A. Yes. 11 Q. Okay. Do you see a different doctor for 12 that? 13 A. No. The same two doctors. 14 Q. Okay. And about when was the last time you 15 went to see them for GYN? 16 A. Oh, about -- about eight months ago. 17 Q. Okay. Do you remember which one you saw? 18 A. Jan Furniss -- she works in the office -- 19 because Dr. Cobb was out that day. 20 Q. Okay. Do you -- do you normally just go 21 for routine checkups, or has there -- 22 A. Yes, routine checkups. 23 Q. Has there ever been any special 24 circumstances that you had to go? 25 A. No.</p>	<p style="text-align: right;">Page 21</p> <p>1 when is the first time you ever went to an emergency 2 room for your chest? 3 A. I don't remember. 4 Q. Don't remember. Do you remember what year 5 maybe? 6 A. (No response). 7 Q. 2000? '99? 2001? 8 A. I really don't remember. 9 Q. Okay. 10 A. No. 11 Q. Do you remember where you went? 12 A. Baptist -- Baptist Memorial -- 13 Q. Baptist Memorial? 14 A. -- in Columbus -- 15 Q. Is that here in Columbus? 16 A. -- Mississippi. Yes. 17 Q. Okay. And what -- what -- what was 18 happening that made you want to go to the emergency 19 room? 20 A. Well, my chest -- my chest usually 21 tightens -- I'm so nervous. 22 Q. That's okay. 23 MS. TOLLE: You're doing fine. 24 A. It tightens up sometimes. 25 Q. (By Mr. Blount) If you -- can we get -- do</p>

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<p style="text-align: right;">Page 22</p> <p>1 you want some water?</p> <p>2 A. No. I'm fine.</p> <p>3 Q. Okay.</p> <p>4 A. I'm fine. And it just -- that day, that</p> <p>5 particular day, it just got so bad that I went to the</p> <p>6 emergency room.</p> <p>7 Q. It just -- it got so tight?</p> <p>8 A. Yeah -- I -- well, I usually -- I always</p> <p>9 experienced it, and so I'd just, you know, relax and</p> <p>10 let it just try to go through. But that day, it</p> <p>11 was -- it was -- it kept happening, you know, over</p> <p>12 and over again. So I went to the emergency room.</p> <p>13 Q. Okay. When you say you've always</p> <p>14 experienced it, what exactly do you mean by that?</p> <p>15 When --</p> <p>16 A. Like --</p> <p>17 Q. -- is the first time you can remember it</p> <p>18 getting tight, when you were, like, a child?</p> <p>19 A. No. No. I'd say about like in 2000.</p> <p>20 Q. Okay.</p> <p>21 A. I know it was like in the 2000s.</p> <p>22 Q. And what -- did you see a doctor at -- at</p> <p>23 the -- in the ER?</p> <p>24 A. Yes.</p> <p>25 Q. And do you remember who that was?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Do you remember if you followed it --</p> <p>2 followed up, or if he told you to follow up with a</p> <p>3 doctor?</p> <p>4 A. Well, he didn't say to follow up.</p> <p>5 Q. Okay. Do you remember -- did he -- what</p> <p>6 did he tell you was wrong? Or did he tell -- or did</p> <p>7 he?</p> <p>8 A. He didn't say anything.</p> <p>9 Q. He didn't say anything?</p> <p>10 A. Well, he -- he prescribed me some medicine,</p> <p>11 if I'm not mistaken. I don't remember what the</p> <p>12 medicine was, but he never did say, you know, what</p> <p>13 was the problem.</p> <p>14 Q. But he never really told you he -- did he</p> <p>15 tell -- did he tell you, you were okay?</p> <p>16 A. I don't remember.</p> <p>17 Q. He didn't tell you, you were having a heart</p> <p>18 attack or anything, did he?</p> <p>19 A. No.</p> <p>20 Q. Did -- did you have to spend the night at</p> <p>21 all?</p> <p>22 A. No.</p> <p>23 Q. Okay. Okay. So -- now, you said that</p> <p>24 you -- you, at one time, had an EKG at the primary</p> <p>25 care in Macon?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. No.</p> <p>2 Q. Okay. Do you remember, did he run any</p> <p>3 tests on you -- or he or she run any tests on you?</p> <p>4 A. Well, he did some X-rays and took some</p> <p>5 blood work.</p> <p>6 Q. Do you remember what kind of X-rays or what</p> <p>7 kind of blood work?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you know if he did an</p> <p>10 echocardiogram?</p> <p>11 A. Well, I had a EKG in Macon --</p> <p>12 Q. Okay.</p> <p>13 A. -- one time for the same thing, for my</p> <p>14 chest.</p> <p>15 Q. Would this have been before or after you</p> <p>16 went to the ER?</p> <p>17 A. This was before I went to the ER.</p> <p>18 Q. And where would you have had that done at?</p> <p>19 A. In Macon, Mississippi. Macon Primary Care.</p> <p>20 Q. Okay. I'll come -- I'll ask you about that</p> <p>21 in just a second. But do you remember -- you can't</p> <p>22 remember anything beyond you had some X-rays and some</p> <p>23 blood work at the hospital?</p> <p>24 A. Right. That's -- that's all I can</p> <p>25 remember.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Yes.</p> <p>2 Q. Who -- were you seeing a doctor there?</p> <p>3 A. Denzil Robertson.</p> <p>4 Q. Do you know what Dr. Robertson's specialty</p> <p>5 is?</p> <p>6 A. No.</p> <p>7 Q. Do you -- is he -- is he a doctor you see</p> <p>8 regularly?</p> <p>9 A. Well, at that time -- he was in Macon</p> <p>10 probably like about a year at that time that I went</p> <p>11 to go see him.</p> <p>12 Q. Do you -- do you remember what time that</p> <p>13 was?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. But it did -- it was -- it did -- it</p> <p>16 was before you went to the hospital?</p> <p>17 A. Yes. It was before I went to the emergency</p> <p>18 room.</p> <p>19 Q. Okay. And so you -- why -- you went to see</p> <p>20 him because your chest was hurting?</p> <p>21 A. Yes, chest was hurting.</p> <p>22 Q. Okay. And he did a -- he did an EKG?</p> <p>23 A. Yes.</p> <p>24 Q. Did he do any -- any other tests?</p> <p>25 A. No. Like, he did a EKG, and he told me he</p>

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<p>1 really -- he don't know what was wrong. 2 Q. Okay. 3 A. And he recommended me to go to Jackson to 4 get a -- I think you call it a CAT scan. 5 Q. All right. 6 A. But I -- I didn't go because I really 7 couldn't afford to go. It was \$1,100, and I couldn't 8 afford that at the time. 9 Q. Okay. Did you ever -- did you ever see him 10 again besides that one time? 11 A. I don't remember. I want to say one more 12 time, but I -- I really don't remember. 13 Q. Okay. 14 A. Because it happens so often, I might have 15 went back again. 16 Q. Well, you say it happens a lot. Does it -- 17 does it happen every day? 18 A. Probably like every other day. 19 Q. The -- the tightening feeling? 20 A. Yes. 21 Q. Does it -- does it ever just hurt real bad? 22 A. Not to where I have to go to the emergency 23 room, but it -- it -- it hurts. And I just have to 24 just stop for a minute -- 25 Q. Does it ever --</p>	<p>1 Q. Gardner? 2 A. In Macon, Mississippi. 3 Q. What do you see Beverly for? 4 A. When I was -- headaches. 5 Q. Headaches. About what time would this have 6 been? 7 A. I'd say about a year ago -- 8 Q. About a year ago? 9 A. -- and then a couple of months ago. I know 10 it was around this time frame. 11 Q. Did -- did you go see her -- you say you 12 saw her a couple of months ago, too? 13 A. I think it was a couple of months ago. 14 Q. Okay. And you just went to go see her 15 because you were having bad headaches? 16 A. Bad headaches. 17 Q. What did -- what did she say -- what did 18 she tell you was the reason? Or did she? 19 A. No. She didn't say. 20 Q. Okay. Did she -- did she do any tests? 21 A. No. 22 Q. Okay. Did you -- did you talk to her about 23 your headaches? 24 A. Yes. 25 Q. Okay. Then did she prescribe you anything?</p>	
	Page 27	
<p>1 A. -- and try to relax and just let it go 2 through. I'm sorry. 3 Q. Go ahead. Yeah. 4 A. That's it. 5 Q. Okay. Does it ever feel like you can't 6 breathe? 7 A. Yes. 8 Q. Is -- is that pretty much every -- 9 A. Yes. 10 Q. -- time? 11 A. Yes. 12 Q. Okay. Besides Dr. Robertson, have you ever 13 seen any other doctor about your chest? 14 A. No. 15 Q. No. Do you -- do you -- have you -- do you 16 normally see any other physicians? Do you have a 17 primary care doctor you go to? 18 A. No. 19 Q. Have you -- besides -- besides your trip to 20 the -- to the hospital and to Dr. Robertson's office 21 and your -- your two -- the births of your children, 22 have you ever seen any other doctors? 23 A. Beverly Gardner. 24 Q. I'm sorry. Beverly? 25 A. Beverly Gardner.</p>	<p>1 A. I don't remember. 2 Q. Don't remember? 3 A. I remember her -- a prescription. I 4 don't -- I don't remember. 5 Q. Okay. Do you -- do you take anything for 6 your headaches now? 7 A. I take Aleve. 8 Q. You take Aleve. Does that work? 9 A. You know what? I've often asked myself, is 10 it working, because my head hurts just that much. 11 Q. Okay. 12 A. And like, if I'm working, if I take an 13 Aleve, I don't know if it's just, I'll be working and 14 I don't pay any more attention to it, or is it the 15 pill. I don't know. 16 Q. Okay. But you still -- you do take 17 Aleve -- you just take Aleve? 18 A. Yes. 19 Q. Have you ever -- have you ever taken any 20 prescription-strength pain killers for it? 21 A. No. 22 Q. No. Did -- did you go back and see Dr. 23 Gardner again after that first time? 24 A. No. 25 Q. Did -- did she ask you to?</p>	

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1	A. No.	1	A. No.
2	Q. Did -- have you ever taken anything for	2	Q. Do you -- have you ever taken any -- any
3	your tightness in your chest?	3	birth control?
4	A. No.	4	A. No.
5	Q. No. No doctor has ever prescribed anything	5	Q. No. Are you -- are you currently taking
6	for it?	6	any medicines at all?
7	A. Not that I can remember.	7	A. No.
8	Q. Okay. You -- besides Ms. Gardner and --	8	Q. None. Do you take any kind of
9	Dr. Gardner and Dr. Robertson and your trip to the	9	over-the-counter medicine besides Aleve?
10	hospital, have you seen any other doctors?	10	A. That's it.
11	A. No.	11	Q. Any sinus medicine or anything?
12	Q. Have you -- did any of these physicians	12	A. No.
13	tell you that you have high blood pressure?	13	Q. Have -- has any doctor ever prescribed a
14	A. No.	14	antidepressant for you?
15	Q. Or --	15	A. No.
16	A. I don't have high blood pressure.	16	Q. Have you ever taken any kind of -- you
17	Q. Don't have high blood pressure?	17	ever -- you ever taken any herbal supplements, like
18	A. No.	18	vitamins or --
19	Q. And what -- what about high cholesterol?	19	A. No -- well, I have tried that green tea
20	A. No.	20	extract.
21	Q. No. Any of them ever tell you that you	21	Q. Green tea?
22	have any kind of problems with your heart?	22	A. Uh-huh (Indicating yes).
23	A. No.	23	Q. And were you trying it for any specific
24	Q. No?	24	reason or --
25	A. You know, I just experienced the chest pain	25	A. Well, I don't use the rest room regularly.
	Page 31		Page 33
1	myself, so I --	1	Q. Okay.
2	Q. Right.	2	A. So it's supposed to help, and that's what I
3	A. You know.	3	used it for.
4	Q. And -- and have you ever seen a lung	4	Q. Okay. So have -- would you -- has -- you
5	doctor?	5	ever talked to a doctor about that?
6	A. No.	6	A. No.
7	Q. Did -- did -- did -- while you -- when you	7	Q. Do you take any other medicines for that?
8	were at the hospital? Or did Dr. Robertson ever tell	8	A. No. I just tried it that one time.
9	you that you -- you may have something wrong with	9	Q. Oh, okay. You just had one cup of green
10	your lungs?	10	tea?
11	A. No.	11	A. Yes. That one time.
12	Q. Have you ever had any kind of surgery?	12	Q. All right. Did you like it?
13	A. No.	13	A. No.
14	Q. Just that -- just for the tubal?	14	Q. Any -- any other kind of pills you take
15	A. Right.	15	over the counter, like --
16	Q. Okay. Have you ever -- to the best of your	16	A. No. Just Aleve.
17	knowledge, have you ever seen a cardiologist, a heart	17	Q. Have you ever taken any diet supplements,
18	doctor?	18	like -- that you can buy over the counter?
19	A. No. Not that I -- no.	19	A. No.
20	Q. Have you -- have you ever had any kind of a	20	Q. No Dexatrim or anything?
21	traumatic accident, like fell out of a tree or --	21	A. No.
22	A. No.	22	Q. All right.
23	Q. Okay. Any big --	23	(After a discussion off the record,
24	A. No.	24	the deposition continued as follows:)
25	Q. -- car wrecks or anything?	25	Q. (By Mr. Blount) Ms. Sanders, has -- are --

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1 are there any other prescriptions that you've ever 2 been prescribed by a doctor, any kind of 3 antibiotics -- 4 A. No. 5 Q. -- or sinus medicine or -- 6 A. No. 7 Q. Nothing. Do you remember if you saw a 8 pediatrician when you were younger? 9 A. Yes. 10 Q. Do you remember who that is? 11 A. Dr. Piemental. 12 Q. I'm sorry? 13 A. Piemental. That was P-I-E-M-E-N-T-A-L. 14 Q. Okay. 15 A. That was -- that in Chicago, Illinois. 16 Q. And when did you live in Chicago? 17 A. Well, I moved down here in 1988. 18 Q. Moved to Macon? 19 A. Yes. Yes. 20 Q. From Chicago? 21 A. Yes. 22 Q. And about how old were you when you moved 23 down? Do you remember? 24 A. When I moved to Chicago? 25 Q. When you moved down here from Chicago?		1 different medical conditions. And just tell me if -- 2 yes or no, if any physician has ever told you that -- 3 A. Okay. 4 Q. -- that you have any of these. Anyone ever 5 told that you have thyroid problems? 6 A. No. 7 Q. A heart murmur? 8 A. No. 9 Q. Any kind of -- anyone ever told you that 10 you have a congenital heart problem? 11 A. What is that? 12 Q. Anyone ever told you that your -- your 13 heart is closing up or stopping? 14 A. No. 15 Q. Anyone -- anyone ever told you, you have an 16 irregular heartbeat? 17 A. No. 18 Q. Has any physician ever told you that you 19 have had a stroke? 20 A. No. 21 Q. Any doctor ever told you that you have 22 increased heart rate -- 23 A. No. 24 Q. -- or palpitations? 25 A. No.	
	Page 35		Page 37
1 A. I was 15. 2 Q. Fifteen. Is that pretty -- was that a 3 pretty big shock to move from Chicago to Macon, 4 Mississippi? 5 A. Yes. Yes. 6 Q. I moved from Atlanta to Columbus when I was 7 in sixth grade -- fifth grade. It was -- I remember 8 it being a shock for me. I can't imagine what it 9 would be like as a teenager. 10 MS. TOLLE: Try 31. 11 MR. BLOUNT: Yeah. 12 Q. (By Mr. Blount) And did you live somewhere 13 before Chicago? 14 A. No. 15 Q. Have you ever lived anywhere else besides 16 Chicago and Macon? 17 A. No. 18 Q. No. Do you have -- have you ever lived in 19 Mobile? 20 A. No. 21 Q. Okay. And so Dr. Piemental was in Chicago? 22 A. Yes. Reymerk Clinic. 23 Q. Reymerk? 24 A. Reymerk Clinic, R-E-Y-M-E-R-K. 25 Q. Okay. I just want to go through a list of		1 Q. Have you ever -- have you ever personally 2 felt your heart racing? 3 A. Yes. 4 Q. And when -- when did you feel that? Does 5 that -- does that go along with the chest tightness? 6 A. Yes. Because when it tightens, you feel 7 like you want to pass out. 8 Q. Okay. Do you have to sit down? 9 A. I sit down, or either I -- I bend over for 10 a minute just to release. 11 Q. Okay. And does that seem to help? Is 12 that -- 13 A. Yes, it does -- 14 Q. Like -- 15 A. -- if I just relax. 16 Q. What -- what's the average length of -- of 17 one of your episodes with your chest tightening and 18 your heart racing? 19 A. I'd say about five or six seconds, if I had 20 a -- if I had -- 21 Q. What's the longest it's ever lasted? 22 A. About five or six seconds. 23 Q. Okay. The day you went to the hospital, 24 though, did it just keep going? 25 A. Yes.	

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<p style="text-align: right;">Page 38</p> <p>1 Q. Okay. Do you remember, did they give you 2 any medicine in the -- in the hospital? 3 A. I don't remember, you know, if he -- 4 Q. Nothing to calm -- help you calm -- help 5 you relax or anything? 6 A. I don't remember. 7 Q. Okay. 8 A. Well, I -- I take that back. He did give 9 me a pill. 10 Q. He did give you a pill? 11 A. I took in the emergency room. 12 Q. Okay. 13 A. But I didn't ask him, you know -- I just 14 trusted him. But I don't remember if he gave me a 15 prescription or anything. 16 Q. Okay. 17 A. But I do remember them giving me a pill -- 18 Q. All right. 19 A. -- before they did the blood work. 20 Q. Did that seem to -- did it -- can you -- 21 can you remember if it helped at all? 22 A. No, it didn't help. 23 Q. Okay. Has -- but no doctor has ever talked 24 to you about your heart rate? 25 A. No. I -- no.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes. 2 Q. Was there any other -- can you remember any 3 other time? 4 A. No. 5 Q. Okay. Was -- has any -- has any doctor 6 ever told you that you have -- you have an enlarged 7 heart? 8 A. No. 9 Q. That you have any kind of coronary artery 10 disease? 11 A. No. 12 Q. Have you ever had rheumatic fever? 13 A. No. 14 Q. Have you ever had strep throat? 15 A. No. 16 Q. Have you ever had scarlet fever? 17 A. No. 18 Q. Has any doctor ever told you that you have 19 insulin sensitivity? 20 A. No. 21 Q. Has any doctor ever told you, you have 22 hepatitis? 23 A. No. 24 Q. Has any doctor ever told you that you have 25 any heart valve lesions?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. Have you -- have you asked a doctor 2 about it? 3 A. No. 4 Q. Okay. After you -- after you saw Dr. 5 Roberts -- well, I guess, actually, you saw Dr. 6 Robertson before you went to the hospital, correct? 7 A. Right. 8 Q. Since you've been in the hospital, have you 9 talked to any doctor about your -- your chest 10 tightening? 11 A. No. The few times that I did go and, you 12 know, I paid out money -- you know, I'm self 13 employed. I have no insurance. 14 Q. Uh-huh (Indicating yes). 15 A. And I paid out money without any results to 16 tell me what the problem was. 17 Q. Right. 18 A. So I just -- kind of just adapt, just try 19 to go on with it because I was just throwing away 20 money. 21 Q. Right. 22 A. And I -- 23 Q. You said the few times you went. Is that 24 when you saw Dr. Robertson one time in the -- in the 25 hospital?</p>	<p style="text-align: right;">Page 41</p> <p>1 A. No. 2 Q. Has any doctor ever told you that you have 3 rheumatoid arthritis? 4 A. No. 5 Q. Do you ever feel any pain in your joints? 6 A. Just in my -- in my fingers. 7 Q. In your fingers? 8 A. Well, and my knees -- 9 Q. In your knees. Do you -- 10 A. -- you know. 11 Q. Is there any -- 12 A. As I walk, just my knees. 13 Q. Do you -- do you have any idea why that -- 14 why it hurts? 15 A. No. 16 Q. Is it -- is that a constant pain, or do 17 you -- just occasional? 18 A. Just occasionally. 19 Q. Is there any activity that you associate it 20 with? 21 A. No. 22 Q. Has any doctor ever told you, you have any 23 venereal diseases? 24 A. No. 25 Q. Any doctor ever told you, you have low</p>

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<p style="text-align: right;">Page 42</p> <p>1 blood sugar?</p> <p>2 A. No.</p> <p>3 Q. Any -- any doctor ever told you, you have</p> <p>4 blood clots?</p> <p>5 A. No.</p> <p>6 Q. Any doctor ever told you that you have --</p> <p>7 or talked to you about swelling in your ankles or</p> <p>8 swelling in your legs?</p> <p>9 A. Say that again?</p> <p>10 Q. Any swelling in your legs or ankles?</p> <p>11 A. I have that often.</p> <p>12 Q. You do? Have you ever talked to a doctor</p> <p>13 about it?</p> <p>14 A. No. I just -- it's just part of life. I</p> <p>15 never, you know, went to the doctor for nothing like</p> <p>16 that.</p> <p>17 Q. It's -- it's swelling in your legs and your</p> <p>18 ankles?</p> <p>19 A. Just the ankles.</p> <p>20 Q. Just the ankles. You said that happens --</p> <p>21 happens pretty often?</p> <p>22 A. Yes.</p> <p>23 Q. What do you do when you notice your ankles</p> <p>24 are swelling?</p> <p>25 A. Just sit down.</p>	<p style="text-align: right;">Page 44</p> <p>1 lot, or does it happen just randomly?</p> <p>2 A. Just when I'm on my feet a lot.</p> <p>3 Q. When you're on your feet a lot. Okay. Any</p> <p>4 doctor ever talk to you about having any gallbladder</p> <p>5 problems?</p> <p>6 A. No.</p> <p>7 Q. Kidney problems?</p> <p>8 A. No.</p> <p>9 Q. Any -- you said you had -- you have</p> <p>10 headaches?</p> <p>11 (After a discussion off the record,</p> <p>12 the deposition continued as follows:)</p> <p>13 Q. (By Mr. Blount) Okay. You said that</p> <p>14 you -- you do have headaches?</p> <p>15 A. Yes.</p> <p>16 Q. Do you still have these headaches?</p> <p>17 A. Yes.</p> <p>18 Q. You said that -- correct me if I'm wrong,</p> <p>19 but you said you had your first headache about 2000?</p> <p>20 Or have you have them before then?</p> <p>21 A. No. I've had them before then, but they</p> <p>22 just -- I'd say within the 2000 year is when it</p> <p>23 just -- they worse.</p> <p>24 Q. They got worse?</p> <p>25 A. They worse, yeah.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Sit down.</p> <p>2 A. Yeah.</p> <p>3 Q. Does that seem to help?</p> <p>4 A. Yes. It -- it takes a little pressure off.</p> <p>5 Q. Does it?</p> <p>6 A. But it doesn't make the swelling go down.</p> <p>7 It just --</p> <p>8 Q. Do you ever put your feet up?</p> <p>9 A. Yes.</p> <p>10 Q. Does that seem to help?</p> <p>11 A. Yes. Yes.</p> <p>12 Q. You ever -- any -- you said you never</p> <p>13 talked to a doctor about it?</p> <p>14 A. No.</p> <p>15 Q. Is there any pain associated with that --</p> <p>16 with the swelling?</p> <p>17 A. No. Just -- no more than just a little</p> <p>18 ache. That's it.</p> <p>19 Q. Aches a little bit?</p> <p>20 A. Yes.</p> <p>21 Q. Does it ever -- do -- do you ever notice</p> <p>22 any swelling when you're having any kind of attack or</p> <p>23 your chest pain?</p> <p>24 A. No.</p> <p>25 Q. Does it happen when you're on your feet a</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. What -- about -- what does it feel like</p> <p>2 when you have a headache? Is it a sharp pain or dull</p> <p>3 pain?</p> <p>4 A. I would have to say sharp, because it</p> <p>5 would, like -- it would be like on one side of the</p> <p>6 head --</p> <p>7 Q. It's --</p> <p>8 A. -- like my temple.</p> <p>9 Q. It's localized just on one side?</p> <p>10 A. Yeah. It's --</p> <p>11 Q. Is that where it's at, near the temple?</p> <p>12 A. Like, it -- well, it's mostly on this side</p> <p>13 (indicating). I can't really just pinpoint it.</p> <p>14 Q. Is that --</p> <p>15 A. But mostly -- like, it's just on one side.</p> <p>16 Q. That's your -- that's your right side?</p> <p>17 A. But it was on one side. It's not on the</p> <p>18 other.</p> <p>19 Q. Okay.</p> <p>20 A. It's just -- just a -- a sharp pain, and</p> <p>21 then it would make you feel nauseated.</p> <p>22 Q. You feel nauseated with it?</p> <p>23 A. Yes.</p> <p>24 Q. About how long does one of your headaches</p> <p>25 last?</p>

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<p style="text-align: right;">Page 46</p> <p>1 A. Until I just go lay down and rest. 2 Q. It goes away when you lay down and rest? 3 A. Yes -- well, it -- sometimes it just lasts 4 all day. I can lay down and rest, I can wake up, and 5 I'll still have it. And that's something that I 6 just -- I suffer with, seems like, every day. 7 Q. And that's when -- you take the Aleve for 8 that? 9 A. Yes. 10 Q. Does -- how -- how frequently do you have 11 headaches? 12 A. It seems like every day. 13 Q. Seems like every day? 14 A. Honestly, it seems like every day. 15 Q. So you -- it feels like you've had 16 headaches, it seems like, every day since 2000? 17 A. Oh, yeah. 18 Q. Okay. And you've only -- you went and saw 19 the one doctor about them? 20 A. Yes. 21 Q. Okay. 22 A. You think that headaches, you know, they're 23 going to blow over as just something natural. 24 Q. Do you remember her ever telling you that 25 you have migraines?</p>	<p style="text-align: right;">Page 48</p> <p>1 A. No, it's not a big concern. 2 Q. Okay. 3 A. Just when I feel bloated. 4 Q. Right. Have you ever -- have you ever -- 5 any doctor ever talked to you about having lupus? 6 A. No. 7 Q. What about asthma? 8 A. No. 9 Q. Do you have any allergies? 10 A. No. 11 Q. Do you ever get -- nose get running here 12 when it's real polleny outside or -- 13 A. No. 14 Q. Do you know of any medical -- medical 15 allergies -- where there's any medicine -- 16 A. No. 17 Q. Any environmental allergies, like wool or 18 dogs or cats or anything? 19 A. No. 20 Q. Okay. You're lucky. You -- you ever had 21 bronchitis? 22 A. No. 23 Q. Ever -- any had -- ever had emphysema? 24 A. No. 25 Q. Has any -- has any doctor ever asked you if</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Yes. 2 Q. Okay. And did she give you any advice 3 on -- this is Dr. Gardner. Did she give you any -- 4 any advice on what to do when one comes on? 5 A. No more than just rest, you know. But I 6 don't remember her prescribing any medicine. You 7 know, I would take that Aleve. 8 Q. Okay. All right. Has any other doctor 9 ever talked to you about having any kind of gum 10 disease? 11 A. No. 12 Q. You said earlier, you have -- you have -- 13 you have problems going to the bathroom? 14 A. Yes. 15 Q. Are you -- you suffer from constipation? 16 A. I don't suffer from constipation. I just 17 don't go like every -- I guess you're supposed to go 18 every day, right? 19 Q. So I've heard people say. 20 A. Well, I don't -- I don't do that every day. 21 Q. Have you ever -- ever talked a doctor about 22 it? 23 A. No. 24 Q. Okay. Is it -- is it a very big concern of 25 yours?</p>	<p style="text-align: right;">Page 49</p> <p>1 you have any lung disease or lung -- tell you, you 2 have any lung -- 3 A. No. 4 Q. -- disease or lung problems. Has any 5 physician ever told you, you have pulmonary 6 hypertension? 7 A. No. 8 Q. Any doctor ever told you, you have any 9 problems with your liver? 10 A. No. 11 Q. Anybody -- any doctor ever told you, you 12 have any problems with your immune system? 13 A. No. 14 Q. Have you ever had any problems with acid 15 reflux, indigestion? 16 A. No. 17 Q. You ever -- you ever had an ulcer? 18 A. No. 19 Q. Okay. All right. I'm going to start to go 20 over some of -- some of our exhibits with you. And 21 I'm going to hand you Exhibit No. 1 first, which is a 22 copy of our notice to have you appear today. 23 A. I got to look through this? 24 Q. If you could, please. Have you ever seen 25 this before?</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. No. 2 Q. Okay. This is just our -- our notice to 3 have you come to -- come to this deposition today. 4 And after you get finished looking at it, I want you 5 to turn to page 2 for me. 6 A. Okay. 7 Q. And I want to go over some of these 8 questions. These are some categories of information 9 we've requested from you, and we just want to know if 10 you've turned any -- turned anything like this over 11 to your attorney or if you know any -- any 12 information in any of these categories that you may 13 have, that you could make available to turn over to 14 us. First, No. 1, do you -- do you have any unused 15 pills, any unused diet drugs? 16 A. No. 17 Q. No? 18 A. No. 19 Q. Do you -- do you have any of the -- maybe 20 the pill bottles they came in or any of the paperwork 21 that came with them when you bought them? 22 A. No. 23 Q. Okay. Did you keep any kind of diary or 24 journal when you were taking diet drugs? 25 A. No.</p>	<p style="text-align: right;">Page 52</p> <p>1 providers, and it is nine pages long. Is that -- I 2 think that's the one you want right there 3 (indicating). Do you remember seeing this before 4 today? 5 A. No. 6 Q. No. Okay. Do you know -- is that your 7 handwriting? 8 A. (Witness examines document). 9 Q. It doesn't contain very much information, 10 but -- 11 A. Right. I think I do remember this. 12 Q. Does this look like your handwriting on the 13 front page? 14 A. Yes. 15 Q. Okay. Do you remember writing that? 16 A. I don't remember. 17 Q. Okay. I just want to go through this. 18 Under Category B, it says, "To the best of your 19 ability, identify each of your primary care 20 physicians for the last twenty years." Is this -- 21 these two facilities, Macon Medical and Macon Primary 22 Care, to the best of your knowledge, did you -- did 23 you visit those two places? 24 A. Yes. 25 Q. Is -- do you remember -- do you remember</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Did you -- do you have any communications 2 between you and maybe a -- a health care provider or 3 insurance company about taking diet drugs? 4 A. No. 5 Q. Do you -- do you have any medical records 6 in your possession, that you know of, that you 7 haven't turned over to your attorneys yet? 8 A. No. 9 Q. Okay. Now, you said you were self -- you 10 don't have any insurance? 11 A. No. 12 Q. Have -- were -- when you were taking diet 13 drugs, were you -- were you insured at that point? 14 A. No. 15 Q. Okay. Do you have any copies of any -- any 16 of the tests that doctors might have done, the EKG or 17 any of the tests they might have done at the 18 hospital? 19 A. No. 20 Q. Okay. All right. Have you ever -- have 21 you ever had insurance, Ms. Sanders? 22 A. No. 23 Q. No. Okay. All right. I'm going to hand 24 you Exhibit No. 2 now, which is titled, "IN RE DIET 25 DRUGS." It's a -- it starts with a list of medical</p>	<p style="text-align: right;">Page 53</p> <p>1 which doctor you saw at which facility? 2 A. Macon Medical was Beverly Gardner. 3 Q. Okay. 4 A. Macon Primary Care was Denzil Robertson. 5 Q. All right. Did you ever see any other 6 doctors besides those two at those places? 7 A. No. And, you know, my gynecologist. 8 Q. Right. Which they're -- and they're in -- 9 they're in Starkville, correct? 10 A. Right. 11 Q. On page 4, for each hospital, under E, you 12 listed Baptist hospital. Is -- is that when you -- 13 when you went with tightness in your chest? 14 A. Yes. 15 Q. Okay. Have you ever been to -- been to 16 Baptist hospital for any other reason? 17 A. No. 18 Q. Okay. On page 7, on Category G, it says, 19 list each pharmacy or drugstore where you had 20 prescriptions filled during the past ten years. And 21 you've listed B & O Drugs in Macon, Mississippi. 22 Have you -- have you -- or I'm sorry. That's what's 23 listed here. Do you remember putting that -- 24 A. Yes. 25 Q. Okay. What -- what drugs did you get at</p>

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<p style="text-align: right;">Page 54</p> <p>1 B & O?</p> <p>2 A. Just for prescribed medication when I</p> <p>3 went -- you know, the few times I seen the doctor.</p> <p>4 Q. Uh-huh (Indicating yes).</p> <p>5 A. That's it.</p> <p>6 Q. Do you remember what you -- what kind --</p> <p>7 what kind of prescriptions?</p> <p>8 A. No.</p> <p>9 Q. Okay. Did you get diet drugs at B & O</p> <p>10 Drugstore?</p> <p>11 A. No.</p> <p>12 Q. Okay. Which drugstore did you get diet</p> <p>13 drugs from?</p> <p>14 A. Kmart Pharmacy in Mobile, Alabama.</p> <p>15 Q. Why were you in Mobile at the time?</p> <p>16 A. I went to go see the doctor.</p> <p>17 Q. You went to go see the doctor down there?</p> <p>18 A. Henson. Well, Gordo and Mobile is</p> <p>19 together.</p> <p>20 Q. I'm sorry. Pardon?</p> <p>21 A. Mobile, Alabama, and Gordo, Alabama.</p> <p>22 That's where I seen the doctor at, in Gordo.</p> <p>23 Q. Isn't Mobile on the coast?</p> <p>24 A. Yes.</p> <p>25 Q. And isn't Gordo up here by Columbus?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Do you remember their names?</p> <p>2 A. No.</p> <p>3 Q. And you said -- you also said friends. Do</p> <p>4 you remember which friend told you about it?</p> <p>5 A. Well, associates.</p> <p>6 Q. Associates?</p> <p>7 A. You know, it's word of mouth.</p> <p>8 Q. Do you remember -- you don't remember</p> <p>9 specifically which person told you?</p> <p>10 A. No.</p> <p>11 Q. Did -- when you went to -- when you drove</p> <p>12 over to Gordo, did you -- did you go by yourself, or</p> <p>13 did you take somebody with you?</p> <p>14 A. Two people went with me.</p> <p>15 Q. Who -- who were they?</p> <p>16 A. Brenda Stallings and Thelma Mason.</p> <p>17 Q. I'm sorry. What was the other one?</p> <p>18 A. Thelma Mason.</p> <p>19 Q. Thelma Mason?</p> <p>20 A. T-H-E-L-M-A.</p> <p>21 Q. Are these close friends of yours?</p> <p>22 A. Brenda Stallings is a friend; Thelma Mason</p> <p>23 is my sister.</p> <p>24 Q. Okay. And did Ms. Stallings and Ms. Mason</p> <p>25 also get diet drugs?</p>
<p style="text-align: right;">Page 55</p> <p>1 A. No. Gordo is down there by Mobile.</p> <p>2 Q. Okay. I thought -- I was under the</p> <p>3 impression Gordo was right by Ethelsville on the way</p> <p>4 to Tuscaloosa?</p> <p>5 A. No.</p> <p>6 Q. No. Okay.</p> <p>7 A. I don't think so.</p> <p>8 Q. All right.</p> <p>9 A. I went to Gordo.</p> <p>10 Q. And did you see a doctor in Gordo?</p> <p>11 A. Yes.</p> <p>12 Q. What -- what doctor did you see in Gordo?</p> <p>13 A. Dr. Henson.</p> <p>14 Q. And is that the doctor that prescribed you</p> <p>15 the diet drugs?</p> <p>16 A. Yes.</p> <p>17 Q. And about how far away did you have to</p> <p>18 drive to get to Gordo?</p> <p>19 A. Four -- about four-and-a-half hours.</p> <p>20 Q. Four-and-a-half hours. Okay. And how did</p> <p>21 you hear about Dr. Henson? How did you know to go</p> <p>22 see him?</p> <p>23 A. Customers, friends.</p> <p>24 Q. Customers -- customers in your store?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Yes.</p> <p>2 Q. Okay. About what year did you go over</p> <p>3 there to get the drugs?</p> <p>4 A. In '99.</p> <p>5 Q. 1999. Do you remember -- did y'all make an</p> <p>6 appointment?</p> <p>7 A. No.</p> <p>8 Q. No. When y'all got over there, were you</p> <p>9 able to see the doctor?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember kind of what happened on</p> <p>12 that visit?</p> <p>13 A. Basically, he took my weight, you know,</p> <p>14 waist, and your measurements.</p> <p>15 Q. And what was your weight at that point --</p> <p>16 at that time?</p> <p>17 A. I think it was about 200.</p> <p>18 Q. Okay. And do you remember -- did the</p> <p>19 doctor do any tests on you? Did he take your blood</p> <p>20 pressure?</p> <p>21 A. No -- well, yes, he did.</p> <p>22 Q. He did?</p> <p>23 A. He took the blood pressure.</p> <p>24 Q. Did he -- did he take any blood work?</p> <p>25 A. No.</p>

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1 Q. Okay. Did he talk to y'all at all about --		1 that?	
2 about -- asking y'all what specific pills you wanted		2 A. I don't remember.	
3 or --		3 Q. You don't remember. Did your husband go	
4 A. No.		4 with you at all?	
5 Q. No. Did he -- did he give y'all any		5 A. No.	
6 instructions on what to do or -- or to diet or		6 Q. Okay. And he gave you -- they gave you the	
7 anything like that in addition to taking pills?		7 prescriptions there in the office?	
8 A. I don't remember.		8 A. No. I went to Kmart Pharmacy. It was	
9 Q. Do you remember what pills he prescribed		9 about like five minutes away from the office.	
10 you?		10 Q. Okay. All right. And did you -- were you	
11 A. No.		11 able to -- to get the prescriptions at Kmart?	
12 Q. Do you remember if -- if he prescribed you		12 A. Yes.	
13 two pills or just one pill?		13 Q. Okay. Before you left Dr. Henson's office,	
14 A. Two.		14 do you remember him giving you any instructions on	
15 Q. Two. Do you remember what those pills		15 how to take them?	
16 looked like?		16 A. I -- I can't recall.	
17 A. I keep recalling a peach pill. You might		17 Q. Do you -- do you remember if he gave you	
18 say orange, but it was a small pill. And I remember		18 any -- told you about any side effects they may have	
19 another pill, but I can't remember the exact color of		19 or --	
20 that second pill.		20 A. No. He didn't say anything like that.	
21 Q. Okay.		21 Q. Did he warn you to take them according to	
22 A. But I remember that small peach pill.		22 what the prescription said or --	
23 Q. Do you remember what it looked like, maybe?		23 A. No.	
24 A. I can't --		24 Q. All right. Okay. When you went to --	
25 Q. Was it -- was it like a capsule?		25 A. Not that I can remember.	
	Page 59		Page 61
1 A. I -- I don't remember.		1 Q. Not that you can remember. When you went	
2 Q. Okay. Do you remember how you were		2 to the pharmacy, did you talk to a pharmacist at all?	
3 supposed to take those pills?		3 A. No. I just dropped off the prescription	
4 A. It's a combination, you know. I was taking		4 and shopped.	
5 both pills at the same time.		5 Q. And shopped. Did it take a while for them	
6 Q. Do you remember if you took one in the		6 to get it to you? Or do you remember?	
7 morning and one at night or if you took them two at a		7 A. I -- I don't remember. I don't think it	
8 time?		8 was that long because I don't remember being in Kmart	
9 A. That, I don't remember, but I remember it		9 that long.	
10 was two pills I had to take. I don't remember.		10 Q. Did -- did all three of you get the	
11 Q. All right. He -- he prescribed those to		11 prescriptions at the same place?	
12 you?		12 A. Yes.	
13 A. Yes.		13 Q. Okay. And did you remember -- did --	
14 Q. Did you only -- how many times did you go		14 did -- do you remember if you had to pay for those by	
15 see Dr. -- is it Hensley -- or Henson. How many		15 cash or if you had an insurance card?	
16 times did you see Dr. Henson?		16 A. Cash.	
17 A. I think it was twice because I -- I think I		17 Q. Do you remember if insurance covered	
18 recall him making an appointment, so I think it was		18 theirs, either of them?	
19 twice.		19 A. I -- I don't know.	
20 Q. Okay. And did both Ms. Stallings and Ms.		20 Q. Okay.	
21 Mason go with you both times?		21 A. I know I paid cash.	
22 A. No.		22 Q. All right. Do you remember how much it	
23 Q. Okay. Just that one time?		23 cost?	
24 A. Just that one time.		24 A. I don't remember.	
25 Q. Did anybody go back with you again after		25 Q. Was it \$100 or in the neighborhood of that,	

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1 or was it pretty cheap?		1 A. No.	
2 A. I don't remember.		2 Q. Okay. I want to have you look at your	
3 Q. Okay. And you can't remember the names of		3 echocardiogram now that was done. It's Exhibit 4.	
4 the drugs that you -- that you got?		4 MR. BLOUNT: Is that what it says,	
5 A. No.		5 Exhibit 4?	
6 Q. Okay. Now, when you got the -- when you		6 MS. TOLLE: Yes, it does.	
7 got the prescriptions, do you remember, were they		7 MR. BLOUNT: Okay.	
8 marked? Did they have warning labels on them,		8 Q. (By Mr. Blount) Do you remember having an	
9 attached to them, like, take -- please take with full		9 echocardiogram done, Ms. Sanders?	
10 glass of water or anything like that?		10 A. On this particular day? Yes.	
11 A. I don't remember.		11 Q. Yeah, on -- on -- is that 4-22-01; is that	
12 Q. Do you remember -- did they have your name		12 correct?	
13 on -- on the sticker --		13 A. Yes.	
14 A. Yes.		14 Q. Okay. And where did you have this done?	
15 Q. -- on the front of it. Did they have		15 A. Landmark Hotel in Columbus, Mississippi.	
16 instructions on there, take one every day or take one		16 Q. Is it -- do you know today if that's still	
17 twice a day?		17 called the Landmark Hotel?	
18 A. It was instructions on there. I don't		18 A. I think it's called the Holiday Inn.	
19 remember when it said take the pills. I don't		19 Q. Okay. All right. And do you remember --	
20 remember because that was in '99.		20 do you remember your visit pretty clearly?	
21 Q. Uh-huh (Indicating).		21 A. Not really, no.	
22 A. I -- I don't remember that.		22 Q. Not really. Do you remember if you came	
23 Q. Okay.		23 alone, or if you came up here with somebody?	
24 A. But, yeah, there was instructions on it,		24 A. I came alone.	
25 you know, how to take the pill.		25 Q. You came alone. Do you know if -- if Ms.	
	Page 63		Page 65
1 Q. Right.		1 Sanders or Ms. Mason ever had an echocardiogram done?	
2 A. But I don't remember.		2 A. Brenda Stallings?	
3 Q. Do you remember if there was any kind of		3 Q. I'm sorry. Stallings, yeah. I'm sorry?	
4 insert, any -- any -- any information about the drugs		4 A. Yes. She had one done the same day.	
5 stapled to the bag or put inside the bag?		5 Q. Brenda had one the same day?	
6 A. Not that I recall.		6 A. Yes.	
7 Q. Not that you recall. And do you remember		7 Q. Do you know if Ms. Mason ever had one done?	
8 anybody from the pharmacy, like a -- anyone that		8 A. No.	
9 sold -- that actually rung it up or anything, tell		9 Q. Okay. Did you -- when you came up here,	
10 you --		10 why -- why did you come up here to have one done?	
11 A. No.		11 A. I was instructed by my lawyer.	
12 Q. -- any information about the drug?		12 Q. Do you know if you -- do you know if you	
13 A. We didn't talk, no.		13 had to pay for it?	
14 Q. Okay. Okay. Do you think if you'd spell		14 A. No.	
15 the names of the drugs that you took, that you'd		15 Q. Okay. When you got up here, were you given	
16 remember them?		16 any instructions on -- when you -- when you first got	
17 A. No.		17 here, anything that you needed to do to prepare for	
18 Q. All right. But -- okay. Let's see. Prior		18 the test?	
19 to -- prior to 1999, when you went and got these		19 A. I wasn't supposed to eat --	
20 drugs from Dr. Henson, did you ever go see any doctor		20 Q. Wasn't supposed to eat?	
21 about other diet drugs?		21 A. -- that night.	
22 A. No.		22 Q. Okay.	
23 Q. And you don't -- did you ever go prior to		23 A. I remember that.	
24 1997 and -- and get any -- obtain any prescription		24 Q. Do you remember if they told you to drink a	
25 for diet drugs?		25 glass of water or anything?	

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<p style="text-align: right;">Page 66</p> <p>1 A. I don't know. 2 Q. Okay. Do you remember if they gave you any 3 paper -- pieces of paper to look at or any kind of 4 information about the test? 5 A. I don't remember. 6 Q. Did -- was there a receptionist or someone 7 you checked in with when you got here? 8 A. Yes. 9 Q. What did they -- did they give you -- 10 instruct you what -- tell you what to do? 11 A. No. Just have a seat. 12 Q. Have a seat. Were you -- did you have an 13 appointment? Did you have -- 14 A. No. 15 Q. You just came on up? 16 A. Just came on up. 17 Q. Okay. When you -- when you actually went 18 in to have the test done, who was in the room with 19 you? 20 A. I didn't say it right. I think we did have 21 an appointment. 22 Q. Did have an appointment? 23 A. It was a set time. 24 Q. Okay. And when you -- while you were up 25 here, you saw the -- Ms. Stallings?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Like some kind of like glue -- or goo, some 2 kind of -- 3 A. Yeah. 4 Q. Like -- like maybe what you have if you 5 have an ultrasound with your children? 6 A. I think so. 7 Q. Was it kind of like that? 8 A. I think so. I remember him putting 9 something on the chest. 10 Q. Okay. Do you remember -- do you remember 11 if he put it up high or down low or -- 12 A. High. 13 Q. High? 14 A. He put it up high. 15 Q. Okay. Did he talk to you at all about 16 what -- what your -- what the test results were? 17 A. No. 18 Q. He didn't. Do you remember him giving you 19 any instructions at the end of the -- end of the 20 test? 21 A. No. 22 Q. Did he tell you to wait for your attorney 23 to contact you? 24 A. No. 25 Q. Okay. Have you ever seen this echo report</p>
<p style="text-align: right;">Page 67</p> <p>1 A. No. We're friends, and I knew she had to 2 come the same day. 3 Q. Okay. All right. And when you went -- 4 now, when you went in to actually have the 5 echocardiogram done, do you remember who was in the 6 room with you? 7 A. Just me and the doctor. 8 Q. Just you and the doctor. And did they -- 9 did the person that gave you the test identify 10 himself as a doctor? 11 A. Yes. 12 Q. Okay. Is -- did -- did he call himself -- 13 was he -- is this Dr. Razzak Tai? Is that who the 14 doctor was? 15 A. I think so, yes. 16 Q. Did he tell you he was a cardiologist? 17 A. Yes. 18 Q. He did. Okay. Do you remember him, at 19 that time, giving you any instructions about how to 20 sit or how to lay to have the echo done? 21 A. Yes. I had to take off the shirt -- my 22 shirt. 23 Q. Okay. 24 A. And to lay back, you know, relax. And 25 that's it. Then he put something on my chest.</p>	<p style="text-align: right;">Page 69</p> <p>1 before, this Exhibit No. 4? 2 A. Yes. 3 Q. Did it -- did you get -- receive a copy of 4 it in the mail? 5 A. Yes. 6 Q. Do you remember -- you remember opening it? 7 A. Yes. 8 Q. Was there -- were there any instructions 9 accompanying it? 10 A. Any instructions? 11 Q. Yeah. Did the doctor include any kind of 12 information in there about the results and what they 13 mean? 14 A. No more than this -- you know, this piece 15 of paper. 16 Q. That's all that was -- just this piece of 17 paper was all that was in there? 18 A. Yes. 19 Q. Do you know, did the doctor's office ever 20 call you, or did you ever call them and talk to them 21 about the test? 22 A. No. 23 Q. Okay. Did -- now, did you look at the test 24 back -- this report back then and read it -- 25 A. Yes.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. -- when it came in the mail? 2 A. Yes. 3 Q. Do you remember how long it -- how long it 4 came in the mail after you had the test? 5 A. I don't remember. 6 Q. Okay. When you first read this test, did 7 you have any -- what kind of reaction did you have 8 when you first read the results? 9 A. Really, none, because I -- I -- I don't -- 10 I didn't understand anything on it. 11 Q. Okay. 12 A. And I don't now. 13 Q. What -- had you already signed on to be a 14 client with your attorney by the time you got this 15 test result? 16 A. Yes. 17 Q. Okay. Did you know at that point, before 18 you got this result, that you may have had damage to 19 your heart? 20 A. No. 21 Q. Okay. After reading this -- have you -- 22 have you showed this echocardiogram to any physician? 23 A. No. 24 Q. Have you shown it to any of your family 25 members or friends?</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Sure. Okay. Well, let me just ask you a 2 couple of things? 3 A. Okay. 4 Q. Has any doctor or anybody ever talked to 5 you about -- outside of your attorney, has anybody 6 ever talked to you about what pulmonary hypertension 7 means? 8 A. No. 9 Q. No. -- No. 5 here, one of the results of 10 your echocardiogram, states, "Mild pulmonary 11 hypertension." Has any physician or anyone ever 12 told -- talked to you about what -- what that means 13 to you? 14 A. No. 15 Q. Okay. Has anyone ever talked to you about 16 No. 3, Mild tricuspid regurgitation? 17 A. No. 18 Q. Okay. All right. Just another question. 19 It's a little bit off -- off of -- off the subject of 20 your echo. When you saw Dr. Sanders and when you 21 went to the -- to the hospital, at either of those 22 times, did you tell any of the physicians that you 23 had taken diet drugs? 24 A. No. 25 Q. Have you ever told a medical professional</p>
<p style="text-align: right;">Page 71</p> <p>1 A. No. 2 Q. No. Did you show it to your husband? 3 A. Yes. But he just looked at it like I do, 4 you know, not really understanding what's what. 5 Q. Have you -- have you asked any medical 6 professionals about your condition -- 7 A. No. 8 Q. -- about what's -- the results of this 9 test? 10 A. No. 11 Q. No. Okay. What -- what -- what, in your 12 best -- to the best of your knowledge, what do you 13 think this test says? 14 A. That something is wrong. 15 Q. Okay. Something is wrong with your heart? 16 A. Yes. 17 Q. Okay. If you could, tell me -- or if you 18 could, read the final conclusions that are listed 19 down here at the bottom of the page for me, please. 20 Just read 1 through 6? 21 A. Okay. "Normal left" -- I don't know how to 22 pronounce that word. 23 Q. That's ventricle. 24 A. -- "ventricle" -- I don't know the second 25 word. I don't know these terms.</p>	<p style="text-align: right;">Page 73</p> <p>1 that you took diet drugs? 2 A. No. 3 Q. Have any of the medical professionals that 4 you've seen attributed your chest tightness or your 5 headaches to -- or the swelling in your legs to 6 any -- any ingestion of diet drugs? 7 A. No. 8 Q. No. All right. Let's talk about this next 9 deposition, No. 3 here. Do you remember seeing this 10 before, Ms. Sanders? 11 A. Yes. 12 Q. Do you remember filling this out? 13 A. Yes. 14 Q. Okay. If you could, turn to page 24? 15 A. (Witness complies). 16 MR. BLOUNT: And this is Exhibit 3, 17 the fact sheet, for those of you on the phone. 18 Q. (By Mr. Blount) And do you -- is this your 19 signature here under 24? 20 A. Yes. 21 Q. Do you -- do you recognize what were you 22 signing here? 23 A. Yes. 24 Q. Okay. Do you remember signing it on June 25 20th, 2002?</p>